

*Printed by J. Roberts, in Warwick-Lane.*

# ARTICLES OF IMPEACHMENT

OF  
HIGH-TREASON and *Misdemeanors*,  
against ROBERT Earl of Oxford  
and Earl Mortimer. July 9. 1715.

With his LORDSHIP'S

## ANSWER,

PARAGRAPH by PARAGRAPH.

To which is Added,

*A Short* STATE of the late WAR  
and PEACE.

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L O N D O N :

Printed for J. ROBERTS, in *Warwick-Lane* ; A. DODD, near  
*Temple Bar* ; E. NUTT, at the *Royal Exchange* ; and  
N. BLANDFORD, at *Charing-Cross*. M.DCC.XXVII.

[Price Two Shillings and Six Pence.]

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**ARTICLES of Impeachment of High Treason, and Misdemeanors, against ROBERT Earl of OXFORD and MORTIMER.**

*The ANSWER of Robert Earl of Oxford and Earl Mortimer, to the Articles exhibited by the Knights, Citizens and Burgeses in Parliament assembled, in the Name of Themselves, and of all the Commons of Great Britain, in Maintenance of their Impeachment against Him for High-Treason, and other High Crimes and Misdemeanors, supposed to have been by Him committed.*

**W**HEREAS many solemn Treaties and Alliances have been formerly entered into between the Crown of *England*, and other Princes and Potentates of *Europe*, for their mutual Safety, and from the Considerations of the Common Danger which threatned all *Christendom*, from the immoderate Growth of the Power of *France*. And whereas the preventing the Monarchy of *Spain* from coming into the Hands of the House of *Bourbon*, has, for many Years, been a fundamental Principle and Maxim of Union among the Allies, in order to preserve a just Ballance of Power in *Europe*: And to that end, as the Designs of *France* on the

**T**HE said Earl, saving to himself all Advantages of Exception to the said Articles, and of not being prejudiced by any Words, or want of Form in this his Answer; and also saving to himself all Rights and Privileges belonging to him as one of the Peers of this Realm, for Answer to the said Articles saith, *He admits many solemn Treaties and Alliances have been formerly entered into between the Crown of England, and other Princes and Potentates of Europe for their mutual Security, and to prevent the immoderate Growth of the Power of France, which might prove dangerous to the Neighbouring Princes and States:*

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## ARTICLES.

Monarchy of *Spain* have from time to time appear'd, new Treaties and exprefs Stipulations have been enter'd into amongst the Allies, to strengthen themselves against that approaching Danger: And on this Foundation a Treaty for an intended Partition, whereby a small Part only of the Dominions of the Crown of *Spain* was allotted to the House of *Bourbon*, was condemn'd by the Wisdom of Parliament, as being highly prejudicial and fatal in its Consequences to *England*, and the Peace of *Europe*. And whereas the Duke of *Anjou*, Grandson to the King of *France*, on the Demise of *Charles* the Second King of *Spain*, took Possession of the entire Monarchy of *Spain*, whereby the Ballance of Power, the Protestant Religion, and the Liberties of *Europe* were threatned with immediate Danger. Whereupon *Leopold*, then Emperor of *Germany*, his late Majesty King *William* the Third of Ever-Glorious Memory, and the States-General of the *United Provinces*, finding, at that most critical Juncture, that a strict Conjunction and Alliance between themselves was become necessary, for repelling the Greatness of the Common Danger from so great an

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## ANSWER.

And that it was therefore laid down as a fundamental Principle and Maxim of Union amongst the Allies, *That France and Spain should never come and be united under the same Government, and that one and the same Person should not be King of both those Kingdoms*; and he apprehends, that the principal View and Aim of the Allies was to settle and maintain an equal Ballance of Power in *Europe*; and since the Conjunction of *Spain* to the Dominions of *France* might possibly ensue, from the Duke of *Anjou*'s being possessed of that Crown, the dispossessing him was desir'd, as the most likely Means to prevent that Conjunction; and for the same Reason the Union of *Spain* with the *Empire* must have been equally fatal, and the Prevention of it equally the design of the Alliance; nor could the continuance of *Spain* in the House of *Bourbon* be in any respect prejudicial to the Allies, if the Union of that Crown with *France* could be prevented. As new Dangers of such Union have been apprehended, new Treaties and Stipulations have been entred into amongst the Allies to obviate such Dangers, and particularly the Treaty for an intended

tended



## ARTICLES.

## ANSWER.

Accession of the Power to the then Common Enemy, did, in the Year of our Lord One Thousand Seven Hundred and One, make, form, and conclude a new Treaty and Alliance, whereby it was agreed, That there shall be and continue between the said Confederates, his Sacred Imperial Majesty, his Sacred Royal Majesty of *Great Britain*, and the Lords the States-General of the *United Provinces*, a constant, perpetual, and inviolable Friendship and Correspondence, and that each Party shall be obliged to promote the Advantages of the other, and prevent all Inconveniences and Dangers that might happen to them, as far as lies in their Power; That the said Allies desiring nothing more earnestly than the Peace and general Quiet of all *Europe*, have adjudg'd, that nothing can be more effectual for the Establishment thereof, than the procuring an equitable and reasonable Satisfaction to his Imperial Majesty for his Pretension to the *Spanish* Succession, and that the King of *Great Britain* and the States-General may obtain a particular and sufficient Security for their Kingdoms, Provinces, and Dominions, and for the Navigation and Commerce of their Subjects: That the said Confe-

tended Partition, seems to have been concluded upon that View; and tho' he acknowledges the Wisdom of Parliament in condemning that Treaty, as prejudicial and fatal in its Consequences to *England* and the Peace of *Europe*, yet he presumes it was not condemn'd, because part of the Dominions of the Crown of *Spain* were thereby allotted to the House of *Bourbon*; but because such considerable Parts of those Dominions, as the Kingdoms of *Naples* and *Sicily*, the Province of *Guiposca*, and other Territories were allotted to that Branch of the House of *Bourbon*, to whom the Crown of *France* was to descend, which might have been a great and dangerous Addition to the then formidable Strength of that Crown; and because it was made against the repeated Remonstrances of *Charles II.* then King of *Spain*, who declar'd by his Ambassador, *That such Partition-Treaty could have no other Effect than to force Spain to throw itself into the Arms of France to prevent the Dismembering of the Spanish Monarchy*: And that it had this Consequence appear'd upon the Death of that Prince, who seems to have been induced by that Consideration, to bequeath



## ARTICLES.

federates therefore shall, in the first place, endeavour, by amicable means, to obtain the said Satisfaction; but if, contrary to their Expectation and Wishes, the same is not had, the same Confederates do engage and promise to one another, that they will assist each other with all their Forces, according to a Specification to be agreed upon in a peculiar Convention for that purpose: That the Confederates, in order to the procuring the Satisfaction and Security aforesaid, shall, amongst other things, use their utmost Endeavours to recover the Provinces of the *Spanish Low-Countries*, that they may be a Fence and Rampart, commonly called a Barrier, separating and dividing *France* from the *United Provinces*, for the Security of the States-General, as they have serv'd in all times, till of late that the most Christian King has seized them by his Forces; as likewise the Dutchy of *Milan*, with its Dependencies, as a Fief of the Empire, and contributing to the Security of his Imperial Majesty's Hereditary Dominions; besides the Kingdoms of *Naples* and *Sicily*, and the Lands and Islands upon the Coast of *Tuscany* in the *Mediterranean*, that belonged to the *Spanish* Dominions, and may serve to the same

## ANSWER.

queath the entire Monarchy of *Spain* to the Duke of *Anjou*, a younger Branch of the House of *Bourbon*; who accordingly upon the Demise of the said King *Charles II.* took Possession of the Monarchy of *Spain*. But this Accession of the Duke of *Anjou* to the Crown of *Spain* did not produce the Alliance in the Article mention'd between *Leopold* then Emperor of *Germany*, his late Majesty King *William III.* of ever glorious Memory, and the States-General, as immediately necessary at that Juncture; for King *William* as well as the States-General acknowledg'd the Duke of *Anjou* as King of *Spain*, thereby allowing that the Duke of *Anjou's* Enjoyment of the Monarchy of *Spain*, while he was but a younger Branch of the House of *Bourbon*, was not destructive of the Liberties of *Europe*, or the Preservation of a due Ballance of Power. And afterwards when the *French* King had seiz'd the *Spanish Netherlands*, King *William* by Advice of Parliament came into the Assistance of the States as Auxiliary only, by sending, upon their Request, Ten thousand Men, which *England* was oblig'd by Treaties to furnish in case the States were attack'd:  
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## ARTICLES.

same purpose, and will be also of Advantage to the Navigation and Commerce of the Subjects of the King of *Great Britain*, and of the *United Provinces*: That in case the Confederates shall be forced to enter into a War, for obtaining the Satisfaction aforesaid for his Imperial Majesty, and the Security of his Majesty of *Great Britain*, and the States-General, they shall communicate their Designs to one another, as well in relation to the Actions of the War, as all other things wherein the Common Cause is concern'd: That it shall not be permitted to either Party, when the War is once begun, to treat of Peace with the Enemy, unless jointly, and by a Communication of Counsels; and no Peace shall be made, unless an equitable and reasonable Satisfaction for his Imperial Majesty, and the particular Security of the Kingdoms, Provinces, Dominions, Navigation and Commerce for his Majesty of *Great Britain*, and the States-General, be first obtained; and unless care be taken, by fitting Security, that the Kingdoms of *France* and *Spain* shall never come and be united under the same Government, nor that that one and the same Person shall be King of both Kingdoms; and particularly that

## ANSWER.

After which many Conferences passed at the *Hague* betwixt the Ministers of *England* and the States, and those of *France*, in order to find out some Expedient, by which, upon a reasonable Division of the Dominions of *Spain*, a new War might be prevented: And the States in the Course of those Conferences often asserted, *That tho' they had acknowledged Philip King of Spain, yet such an Acknowledgment was not contrary to the Demand of a reasonable Satisfaction to be given to the Emperor for his Pretensions to the Spanish Succession*; which was in Effect to declare, *That the Satisfaction demanded for the Emperor was such as would leave King Philip in possession of Spain*. But these Conferences broke off about *August 1701*. without Effect, and in *September* following King *William* entered into the Grand Alliance with the Emperor and the States-General, whereby it was agreed, *That in the first Place Endeavours should be used by amicable Means to obtain the Satisfaction desir'd for the Emperor*, who probably at that Time would have accepted a very easy Composition for his Pretensions: But when the *French* King acknowledged the Pretender as King of *England*, which



## ARTICLES.

that the *French* shall never get into the Possession of the *Spanish Indies*, neither shall they be permitted to sail thither on the account of Traffick, directly or indirectly, on any pretence whatsoever: And lastly, unless full liberty be granted unto the Subjects of the King of *Great Britain*, and the States-General, to exercise and enjoy all the same Privileges, Rights, Immunities, and Franchises of Commerce by Sea and Land in *Spain*, the *Mediterranean*, and all Lands and Places which the King of *Spain* last deceased did possess at the time of his Death, as well in *Europe* as elsewhere, which they used and enjoyed, or which the Subjects of both, or either of them, by any Right acquired by Treaties, Agreements, Customs, or any other way whatsoever, might have used and enjoyed before the Death of the late King of *Spain*: That at the same time, that the said Agreement or Peace shall be made, the Confederates shall agree among themselves about all the things that they shall think necessary for maintaining the Navigation and Commerce of the Subjects of *Great Britain*, and the States-General, in the Lands and Dominions they may acquire, and that were possessed by the late de-

## ANSWER.

which not long after happen'd, his Majesty King *William* and the Parliament of *England*, justly provoked by this Affront, resolv'd to enter into the War which had been begun by the Emperor alone in *Italy* the Year before. And the late Queen mentions this Indignity as the chief Motive of her engaging in it, as appears by her Declaration of War against *France* and *Spain* in *May* 1702.

The said Earl admits that several Treaties set forth in the Preamble to the said Articles, and that such Advice was given by Parliament, and such Speeches were made from the Throne as in the said Preamble are mentioned; but for more certainty, begs leave to refer himself to the very Treaties, Addresses of Parliament, and Speeches, when they shall be produc'd: And he humbly hopes your Lordships will allow him to observe, that those Treaties manifestly shew, that the Design of the Allies, in endeavouring the recovery of *Spain* from the House of *Bourbon* was, to prevent the Union of those two Potent Kingdoms, in one and the same Person. In the Grand Alliance 1701, the avow'd Ends thereof are, The procuring an equitable and reasonable Satisfaction to his Imperial



## ARTICLES.

deceased King of *Spain*, and also in what manner the States-General may be secured by the aforesaid Fence or Barrier. And whereas his said late Majesty King *William*, and the States-General, seriously considering, that *France* was then become so formidable from the Accession of *Spain* to the Duke of *Anjou*, that, in the Opinion of all the World, *Europe* was in danger of losing her Liberty, and undergoing the heavy Yoke of Universal Monarchy, and that the surest Means of effecting that Design, were to divide the King of *Great Britain* from the States-General, for which purpose all imaginable Efforts would be made; they therefore thought it necessary to unite in the strictest manner that was possible, and to that end a Defensive Treaty and Alliance was concluded and entered into between them, in or about the Month of *November*, One Thousand Seven Hundred and One; wherein it was, among other things, agreed, That in case the said High Allies should be jointly engaged in War, by reason of this Defensive Alliance before-mentioned in the fifth Article, or on any other account, there shall be an Offensive, and Defensive, and Perpetual Alliance between them, against those  
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## ANSWER.

perial Majesty for his Pretention to the *Spanish* Succession, the Security of the Dominions of the King of *Great Britain* and States-General, with the Navigation and Commerce of their Subjects, the preventing the Union of *France* and *Spain* under the same Government; and the Territories and Provinces pointed out in the Fifth Article, were the furthest Views of that Alliance; whereby it was thought his Imperial Majesty would receive the utmost Satisfaction which he could reasonably demand, for his Pretention to the *Spanish* Succession. No mention is made of the recovery of the whole Monarchy of *Spain* to the House of *Austria*, either in the Grand Alliance, or in the Defensive One made the same Year between his Majesty King *William* and the States-General: And when in the Treaty between the Emperor, the Queen of *Great Britain*, and the States-General on the One Part, and the King of *Portugal* on the Other, about *May* 1703, it was concerted to place Arch-duke *Charles*, the present Emperor, upon the Throne of *Spain*, he was then but a younger Branch of the House of *Austria*; and there is great Reason to believe, that the Queen, as well as  
other

## ARTICLES.

with whom the War shall be, and all their Forces shall be employed by Sea and Land, and they shall act in conjunction or separately, as it shall be agreed between them. But since, in the Alliance with the Emperor made in *September* last, particular Care was taken of the Recovery of the *Spanish Low-Countries* out of the hands of the most Christian King, the said Confederates expressly engage to aid one another with all their Forces for the Recovery of the same. And in regard the principal Interest of the said Confederates consists in the Preservation of the Liberties of *Europe*, the before-mentioned Treaty with the Emperor shall be faithfully and sincerely executed, and both Sides shall guaranty the same, and use their Endeavours to confirm and render it more strong from time to time: That in making Peace, particular care shall be taken of the Commerce and Traffick of both Nations, as also for their Security, as well in regard to the *Low-Countries*, as the Countries adjacent: That when the War is begun, the Confederates shall act in concert, according to the seventh and eighth Articles of the Treaty of the Third of *March*, in the Year of our Lord One Thousand

## ANSWER.

other Princes of *Europe*, and in particular the King of *Portugal*, did not think a Treaty to procure the Crown of *Spain* for the Arch-duke, when a younger Branch of the House of *Austria*, did lay an Obligation of procuring that Monarchy for him, when he became First of that House, and was Elected Emperor; since the Imperial and Hereditary Dominions, join'd to the whole *Spanish* Monarchy, would have given such Excess of Power to one Prince, as would have been formidable to *Europe*, and a Means to destroy that Ballance of Power which her Majesty, in all her Treaties, had constantly labour'd to preserve; and it is a known and an allow'd Rule, by the Law of Nations, in reference to Leagues between Princes, That if there happens a material Change in what was the principal Ground and Cause of the Treaty, the Obligation thereof ceases. If therefore in the Preliminary Articles in 1709, and afterwards in the Conferences at *Gertruydenberg*, a Cession of the *Spanish* Monarchy to King *Charles* the Third, who was then younger Brother to the Emperor, was thought reasonable to be insisted on; yet the said Earl humbly submits to your Lordships great Judgment, Whether there



## ARTICLES.

## ANSWER.

sand Six Hundred Seventy Seven-Eight, between *England* and *Holland*, which is hereby renewed and confirmed ; and no Peace, nor Truce, or Suspension of Arms, shall be negotiated or made, but according to the ninth and tenth Articles of that Treaty ; by which it was agreed, that when the two Allies come once to an open War, it shall be lawful for neither of them afterwards to come to any Cessation of Arms with him, who shall be declar'd and proclaim'd an Enemy, without it be done conjointly, and with common Consent : That no Negotiation of Peace shall be set on foot by one of the Allies, without the Concurrence of the other : That each Ally shall continually, and from time to time, impart to the other every thing that passes in the said Negotiation, and shall stipulate with the Common Enemy for the same Rights, Immunities, Exemptions, and Prerogatives for his Ally, as he does for himself, if so be the said Allies do not agree to the contrary. And where- as the *French* King having got Possession of a great part of the *Spanish* Dominions, exercised an absolute Authority over that Monarchy, having seized *Milan* and the *Spanish Low-Countries* by his Ar-

there was equal Reason for insisting on such Cession, when King *Charles* the Third was become Head of that House, and had Possession of the Empire and all the Hereditary Countries of *Austria*, as a Condition without which no Peace should be made : The States-General were so far from admitting or yielding that the Monarchy of *Spain* should in all Events be given to the House of *Austria*, that he the said Earl hath heard, they refus'd to admit it to be inserted as a Condition of their Barrier-Treaty, when propos'd by her Majesty's Ambassador at the *Hague*, and chose rather to put a stop to the Proceedings of that Treaty, and hazard the Advantages they thereby expected, than comply with that Proposal. The Advice of Parliament is of great Weight, to which her late Majesty always gave, and the said Earl always paid, a just regard ; and he doubts not but the House of Peers had proper Inducements when they gave their Advice to the Throne, That no Peace would be Safe, Honourable, or Lasting, so long as the Kingdom of *Spain* and the *West-Indies* continued in any Possession of any Branch of the House of *Bourbon* : But if he may be permitted to offer his humble Con-



## ARTICLES.

## ANSWER.

Armies, and made himself Master of *Cadiz*, of the Entrance into the *Mediterranean*, and of the Ports of the *Spanish West-Indies* by his Fleets, every where designing to invade the Liberties of *Europe*, and to obstruct the Freedom of Navigation and Commerce; and instead of giving the Satisfaction that ought justly to be expected, had proceeded to further Violences, and had taken on him to declare the Pretended Prince of *Wales*, King of *England*, *Scotland*, and *Ireland*, and had also influenced *Spain* to concur in the same Affront; her late Majesty Queen *Anne* taking notice, that she found her self obliged, for maintaining the Publick Faith, for vindicating the Honor of the Crown, and to prevent the Mischiefs which all *Europe* was threatned with, to declare War against *France* and *Spain*; did accordingly in the Month of *May*, One Thousand Seven Hundred and Two, in the most publick and solemn manner, declare War against *France* and *Spain*; and in the said Declaration, placing her intire Confidence in the help of Almighty God, in so just and necessary an Undertaking, declared, That she would, in conjunction with her Allies, vigorously pro-

jecture of the Motives of that Advice, he conceives it might proceed from an apprehension of a future Union of those two Crowns as likely to ensue, in case *Spain* should continue in the Possession of any who might become Heir to the Crown of *France*, and that even the Conjunction of the *Empire* and *Spain* would be less dangerous than such a Union. But when her Majesty communicated to her Parliament, the 6th of *June*, 1712, the Terms upon which a Peace might be made, and thereby inform'd them, That *France* had been brought to offer that the Duke of Anjou should, for himself and his Descendents, renounce for ever all Claim to the Crown of *France*; and that at the same time the Succession to the Crown of *France* was to be declared, after the Death of the then Dauphin and his Sons, to be in the Duke of Berry and his Sons, in the Duke of Orleans and his Sons, and so on to the rest of the House of Bourbon; and that the Succession to *Spain* and the *West-Indies*, after the Duke of Anjou and his Children, was to descend to such Prince as should be agreed upon at the Treaty of Peace, for ever excluding the rest of the House of Bourbon; both Houses of Parliament, by their respective Addresses to Her

## ARTICLES.

prosecute the same both by Sea and Land, being assured of the ready Concurrence of her Subjects, in a Cause they had so openly and heartily espoused. And his Imperial Majesty and their High Mightinesses, pursuant to the Treaties afore-mentioned respectively, in or about the said Month of *May*, One Thousand Seven Hundred and Two, did likewise declare War against *France* and *Spain*. And whereas the Kings of *Portugal* and *Prussia*, the Electors of *Hannover*, *Saxony*, *Treves*, *Mentz*, Palatine of the *Rhine*, the Duke of *Savoy*, the Prince of *Hesse*, the Dukes of *Wolfenbuttle*, *Mecklenberg*, and *Wirttemberg*, the Circles of *Suabia* and *Franconia*, and of the *Upper Rhine*, the Bishops of *Munster* and *Constance*, and other Princes and Powers, being invited by the said Grand Alliance, and relying on the Faith thereof, did afterwards become Parties to the said Confederate War against *France* and *Spain*; and in the Treaty entred into in or about the Month of *May*, One Thousand Seven Hundred and Three, between his Imperial Majesty, the Queen of *Great Britain*, the States-General, and the King of *Portugal*, it is amongst other Things, expressly stipulated, That

## ANSWER.

Her Majesty, the same Month, express'd their entire Satisfaction: And as the House of Commons desir'd her Majesty to proceed in the Negotiations then depending for obtaining a *speedy Peace*; so the House of Lords assur'd her Majesty, that they entirely rely'd on her Majesty's Wisdom to finish that *Great and Good Work*. And after her Majesty had concluded a Peace on those Terms, both Houses of Parliament, severally, congratulated her Majesty on the conclusion of the Peace; and also join'd in an Address of the 22d of *April*, 1714, expressing their just Sense of her Majesty's Goodness to her People, in delivering them by a *Safe, Honourable, and Advantageous Peace* with *France* and *Spain*, from the heavy Burthen of a *Consuming Land War*, unequally carry'd on, and become at last *Impracticable*.

He the said Earl acknowledges, that her Majesty was pleas'd about *August* 1710, to re-admit him, among others, to a Place in her Council, and to require his Service in Offices of Trust; to which he submitted purely in Obedience to Her Majesty's Commands, with great Reluctance, from the Prospect of the Difficulties with which he was likely to struggle. But as he never ask'd any Employment,



## ARTICLES.

## ANSWER.

That no Peace nor Truce shall be made, but by the mutual Consent of all the Confederates ; nor shall any at any time be made, whilst the second Grandson of the most Christian King by the Dauphin, or any other Prince of the Line of *France* continues in *Spain*, nor unless the Crown of *Portugal* shall fully possess and enjoy all the Lands, Kingdoms, Isles, Castles, Cities, Towns, &c. with their Territories and Dependencies in *Spain* or elsewhere, which it now possesses. And in the Treaty of *Nordlingen*, ratify'd by her late Majesty, it is, amongst other things, expressly agreed, that it shall not be allow'd to make particular Treaties, but the Peace shall be jointly treated of, and shall not be concluded without obtaining, as far as is possible, the Re-Union of the Lands belonging to the Circles, and until at least the Security of the associated Circles be absolutely provided for, in the best manner that is possible, and better than it has formerly been. And whereas to give the greatest Strength that was possible to the Union, so necessary to both Nations, Her late Majesty and the States, by a Treaty in the Month of *June*, One Thousand Seven Hundred

ment, nor us'd any wicked Arts, or base Insinuations, to obtain the same from Her Majesty ; so in all Employments with which Her Majesty was pleas'd to honour him, he sincerely endeavour'd to discharge his Duty with the utmost Integrity ; having always with the truest Zeal desir'd and endeavour'd, as far as he could, to promote the Honour and Service of Her Majesty, whose Aim he knew to be the Welfare of Her Kingdoms in the first place, and as far as She judg'd it consistent with that, the common Good of Her Allies.

In or about the Month of *September* 1710, Her Majesty (whose undoubted Prerogative it was) thought fit to dissolve the Parliament then in being, and call a new One. In the Year 1711, Propositions were made by *France* to Her Majesty for a Peace, without the Contrivance, or previous Knowledge of the said Earl : Her Majesty, out of Her Affection for Her People, having it much at Her Heart to establish Peace in her own Days, express'd Her Concern for the Disappointment of former Negotiations, and Her earnest Desire to put a speedy End to the War, and to the Effusion of Christian Blood, and to ease Her



## ARTICLES.

## ANSWER.

dred and Three, renewed and confirmed all Treaties and Alliances then subsisting between them; and therein it is, amongst other things, expressly and particularly stipulated, That as the said most Serene Queen, and the Lords the States-General, are now in War with *France* and *Spain*, and are reciprocally bound to assist each other, and mutually to defend, maintain, and preserve their Countries and Subjects in their Possessions, Immunities, and Liberties, as well of Navigation and Commerce, as other Rights whatsoever by Sea and Land, against and in opposition to all Kings, Princes, and States, and particularly against *France* and *Spain*, to the end a just and reasonable Peace may the better be obtained, that may establish the Repose and Tranquillity of *Europe*, it is agreed between the most Serene Queen of *Great Britain*, and the said Lords the States-General, that neither of the said Allies shall make a Suspension of Arms or a Peace with *France* or *Spain*, or any other King, Prince, or State, who shall molest or attack either of the said Allies, but in Conjunction and by common Consent. And whereas the said War was, for several Years, carry'd on with Vigour and Unani-

Her Subjects from the heavy Burthen of their Taxes: The said Earl doth acknowledge, that he thought a Peace was very much for the Interest and Advantage of *Great Britain*: And in his humble Opinion the most favourable Juncture for obtaining advantageous Terms of Peace, was immediately after the signal Victories gained by Her Majesty's Arms, in the Year 1706. For after the Reduction of the Dominions of the Electors of *Bavaria* and *Cologne*, with other important Conquests in *Germany*: After the entire Destruction of the Three Great Armies of *France* in *Flanders*, *Spain*, and *Piedmont*: After the Allies had recover'd the *Spanish Netherlands*, *Milan* and other Territories in *Italy*, it might have been hoped, from the great Distress in which the Enemy then was, a just and reasonable Peace would have been obtained, since so much was at that time gained from the Enemy, and so much more in all probability would have been yielded by them, as would have fully answer'd the Ends of the Grand Alliance. Peace was at that time sought by the Enemy; and the said Earl, who had the Honour to be then one of the Principal Secretaries of State, owns he then advised the accepting of it.

## ARTICLES.

## ANSWER.

animity by her Majesty and her Allies, at a vast Expence both of Blood and Treasure ; for the Support of which on the part of *England*, many Millions have been granted by Parliament, who, on many Occasions since, continu'd not only to express their Sense of the Justice and Necessity of the War, but did frequently give their humble Advice to the Throne, That no Peace could be Safe, Honourable, or Lasting, so long as the Kingdom of *Spain* and the *West-Indies* continu'd in the possession of any Branch of the House of *Bourbon*. And whereas it pleas'd Almighty God to grant to the Confederate Arms, under the Command of their Great and Victorious General the Duke of *Marlborough*, such unparallel'd Successes, as exceeded even their own Hopes and Fears of the Enemy ; and by the many signal Victories of *Schellenberg*, *Hockstedt*, *Audenard*, and *Ramellies*, as well as by the Conquests of the Electorates of *Bavaria* and *Cologne*, and the Reduction of the *Spanish Netherlands*, and many other great Advantages both by Sea and Land ; and by the Wisdom and Unanimity of their Counsels, the Glory of the Confederate Arms, and the Reputation of *Great Britain* in particular, was rais'd

it. And he humbly begs leave to observe, That the War had been continued upon so unequal a Foot, that the Burthen of it annually encreas'd, and at the time when these Proposals were made by *France*, was become almost insupportable. It had indeed been stipulated by the Grand Alliance, *That the Allies should assist one another with all their Forces, according to a Specification to be agreed on in a particular Convention for that Purpose* : But it doth not appear any such Convention was made, otherwise than as the House of Commons were inform'd by one of the Principal Secretaries of State to his late Majesty King *William*, *That by the Proportion adjusted with the States, England was to furnish Two Parts of Five by Land, and the States the other Three ; and England was to furnish Five Parts of Eight by Sea, and the States the other Three* : But the States not always allowing themselves to be under an Obligation to furnish such Proportions, gave occasion to *England's* bearing an unequal Part in the War, with respect to the Allies. The States had that prudent Regard to the frugal ordering of their Affairs, that they frequently insisted, they ought not to be press'd beyond their Ability, and made them-



## ARTICLES.

## ANSWER.

to an higher pitch than in any former Age. And whereas her late Majesty, in conjunction with her Allies, wisely foreseeing that whenever the Enemy should be brought to make Overtures of Peace, the surest way to put an end to the War, and prevent *France* from putting in practice her usual Intrigues, was by previously insisting on such Conditions from *France*, that nothing might remain to be done in a General Assembly, but to give them the Form of a Treaty; and for those Reasons a Preliminary Treaty was concluded on, and was afterwards sign'd by the Plenipotentiaries of his Imperial Majesty, of her late Majesty the Queen of *Great Britain*, and of the Lords the States-General of the United Provinces, and afterwards ratify'd by their Principals; wherein the Interests of the several Allies were adjusted, in order to a General Treaty of Peace with *France*: And therein, the Restitution of the *Spanish* Monarchy to the House of *Austria*, being one of the chief Causes for carrying on the War, is laid down as an immutable Foundation among the Allies. And whereas in the Year of our Lord One Thousand Seven Hundred and Nine, the King of *France*, having

themselves the sole Judges of what came within the compass of it, and by that means avoided the supplying any Quota, or Proportion which they thought improper for them to furnish. In the mean time the Charge of the War was greatly increased upon the Subjects of *Great Britain*. In the Year 1702 it was under Four Millions, from thence it gradually increas'd till 1706, the Charge of which Year amounted to above Five Millions and a half, and still advancing till the Year 1711, it was then grown to near Seven Millions, and at the same time there was a Debt contracted, not provided for by Parliament, amounting to Seven or Eight Millions; the very Interest of which, and other Debts, wherein the Nation was involved, amounted to Three Millions *per Ann.* and the Revenues of *Great Britain* were under such Anticipations, that it was found difficult to raise above Two Millions and an half for the growing Service, to be paid within the compass of the Year. So that when the Duties and Difficulties upon Trade, and the continuance of the Taxes upon Land, which had lain so heavy above Twenty Years, are consider'd, the said Earl believes it

## ARTICLES.

## ANSWER.

ving first signify'd his Consent to the Restitution of the *Spanish* Monarchy to the House of *Austria*, sent his Ministers to the *Hague* to treat with the Ministers of the Principal Allies on a General Peace; and in the Conferences held thereupon, the Interests of all the Allies, as adjusted in the said Preliminaries, were positively and expressly agreed to by the Ministers of *France*, and particularly that of the Restitution of the entire *Spanish* Monarchy to the House of *Austria*; and the said Negotiation was afterwards broke, on no other Dispute but on the thirty seventh Article of the Preliminary Treaty, concerning the Time and Manner of evacuating *Spain*. And whereas the Conferences being resumed at *Gertruydenberg*, in the Year of our Lord One Thousand Seven Hundred and Ten, the said thirty seventh Article became the only Subject of the Negotiation which was there set on foot, for the finding out some Equivalent by which the same Security might be given to the Allies, as they had by the thirty seventh Article of the said Preliminaries; and tho' it was unquestionable, that before any Negotiation was begun, that while the Pre-

it could not be thought for the publick Interest to prolong the War, without an absolute Necessity.

During this time the States had manag'd with so good Oeconomy, that the said Earl hath not heard of any additional Duty laid by them upon Trade, from the Year 1702 to the Year 1711. What Acquisitions were made upon the Continent during the continuance of the War, tho' at the Expence of *British* Blood and Treasure, accrued to the share of the Allies; and the *Dutch*, being under no prohibition of Commerce with *France*, had a farther Advantage of the *British* Merchants, in respect to a free Trade. Altho' the Princes of the Empire were engaged by previous Treaties to furnish their Quota's to the common Cause, yet when they were often pressed to do it, they alledged in Excuse, *That those Troops which they were oblig'd to furnish at their own Expence, were in the Pay of the Crown of Great Britain.* The Emperor left it to Her Majesty to provide for those Troops, which by the *Portugal* Treaty, in the Year 1703, he was to furnish. The King of *Portugal* not only neglected the Proportion of 12,000 Foot and 3,000 Horse, which



## ARTICLES.

Preliminaries were treating, that by those Preliminaries themselves, that before the last Negotiation was resumed, and all the while it lasted, the Restitution of *Spain* and the *Indies* was laid down as a firm and immovable Foundation of the Negotiation, and no question remained concerning it with the Ministers of the Allies or those of *France*, but touching the Security for its Execution: And tho' all reasonable and prudent Overtures were made by the Allies for settling an Equivalent, yet the Conferences were broke off by *France* without any Satisfaction therein. And whereas the sincere Intentions of all the Allies to have settled the Peace of *Europe* on solid and equitable Foundations were notorious and incontestable, and the Rupture of the said Negotiations could only be imputed to the Enemy; her Sacred Majesty, in conjunction with her Allies, renewed their Resolutions to continue and push the War with Vigour, and to make all possible Efforts, as the only means left to force a good and general Peace. And her Majesty in her Speech from the Throne, on the fifteenth of *November*, One Thousand Seven Hundred and Nine, taking

## ANSWER.

which by the said Treaty he was to provide at his own Expence, but even refused to permit the 11,000 Foot and 2000 Horse, for which he had a Subsidy from Her Majesty to be paid by Musters, according to an Article of that Treaty; when pressed to furnish his full Number of Troops, alledged his Inability, for want of that part of the Subsidies which the States ought to have paid him. So that almost the whole Charge of the War in *Spain* was left upon Her Majesty, the States having sent few or no Troops thither after the Battle of *Almanza*; and all the other Allies being likewise defective in their Proportions.

This was the Condition of Affairs, with respect to the Charge of the War, nor did there appear from the then Situation of Affairs any more promising Prospect, with regard to the Event: For altho' it had pleased God to bless Her Majesty's Arms with wonderful Success, at which the said Earl most sincerely rejoiced, yet it did not appear, that after the Year 1706, our Successes in other Parts had countervail'd our Losses in *Spain*; for after two great Battles, wherein we had been there defeated, after our Forces had

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## ARTICLES.

## ANSWER.

king notice of the Endeavours of the Enemy during the said Negotiations to amuse and create Jealousies among the Allies, declared her Resentment thereat, and earnestly recommended the carrying on the War, and a vigorous Prosecution of the Advantages obtained, that she might put the last hand to that Great Work of reducing the Exorbitant and Oppressive Power which had so long threatened the Liberties of *Europe*: And it having pleased Almighty God, after the said Preliminary Treaty, to bless the Confederate Army under the Command of their Consummated General the Duke of *Marlborough* with new and signal Conquests, the Reduction of *Tournay*, the Victory of *Tasnières*, the taking of *Mons* and *Doway*, *Bethune*, *St. Venant*, and *Aire*, and the penetrating the Lines near the *Scarpe*. And whereas from the prosperous Condition of the Affairs of the Allies, and the Wisdom, Firmness, and Unanimity of their Counsels, nothing remained, in all human Appearance, but that they should reap the Fruits of all their Victories, in a speedy, just, honourable, and lasting Peace; and on the other hand nothing was left to raise the Hopes of the Enemy,

been twice obliged to retire from *Madrid*, and after the taking the *British* Troops at *Bribuega*, the Recovery of *Spain*, (which was the main Article that retarded the Conclusion of the Peace at *Gertruydenberg*) seem'd almost desperate, especially since the *French* in the Year 1711. by their plentiful Vintage and Harvest, had well nigh recover'd the Effects of the Famine; and since some of the Allies at the same time made pressing Instances for recalling part of the Troops, as they had done frequently, during the Course of the War; from whence it appears how just the Grounds were, upon which both Houses of Parliament represented to Her Majesty, *That the War had been unequally carry'd on, and was at last become impracticable.* And the said Earl humbly hopes he shall not be thought to have design'd any Disservice to his Country, if in such Condition of Affairs he did not dissuade Her Majesty from hearkening to the Overtures of Peace, made to Her from *France*; or if during such Negotiations, he endeavour'd, by Corresponding, with Her Majesty's Knowledge and Approbation, in any Courts concern'd therein, to rectify any Mistakes, or contribute in any Measure towards



## ARTICLES.

my, whereby to defeat that happy Prospect, but the Success of their secret Endeavours to disunite the Confederacy. And whereas *Robert Earl of Oxford* and *Earl Mortimer*, with other evil-minded Persons, Enemies to the true Interests of their own Country, as well as to the common Liberties and Welfare of *Europe*, having by many wicked Arts and base Insinuations obtained Access to her late Majesty *Queen Anne*, and in or about the Months of *July* or *August*, One Thousand Seven Hundred and Ten, being admitted into her Councils, and into Places of the highest Trust; and to make way for their wicked Enterprizes, did by their evil Counsel and Advice prevail on her Majesty to dissolve a Parliament, which had given the most unquestionable Proofs of their great Wisdom, and of their true Zeal for the Common Cause; for which, as well as for the many Marks of Duty and Affection given to her, her Majesty return'd her hearty Thanks, and express'd her great Satisfaction. And whereas the said *Robert Earl of Oxford* and *Earl Mortimer*, and others his Accomplices, had formed a treacherous Correspondence with the Emissaries of *France*, by means whereof certain Propo-

sitions

## ANSWER.

wards the Conclusion of a General Peace. But the said *Earl* believes, that in all the Negotiations toward such Peace, the Allies had such Knowledge and Communication of all the Measures therein taken by Her Majesty, as the Treaties Her Majesty was engag'd in, requir'd: That the Propositions transmitted from *France*, about *April 1711*. were immediately communicated to the Pensionary and Ministers of *Holland*. That Her Majesty did at the same time assure them of Her Resolution, to act in Concert with them, in making Peace, and had declar'd, That they were ready to join in proper Measures to procure it, and desir'd *France* might explain itself more particularly upon the Points contain'd in those Propositions; Her Majesty endeavour'd to obtain such Explanations, and afterwards communicated them to the States: And if Her Majesty had thought it not expedient to proceed in the Method of a Preliminary Treaty, which had prov'd so ineffectual in the Year 1709 and 1710, but thought it might be sufficient to have Articles sign'd by a Minister of *France*, by his Sovereign's Command, to open Conferences for a Peace; The said *Earl* humbly hopes that this Proceeding will be so

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## ARTICLES.

## ANSWER.

sitions were transmitted from *France* to *England*, sign'd by Monsieur de *Torcy*, Secretary of the King of *France*, in the Month of *April*, One Thousand Seven Hundred and Eleven, to be the Basis of a Treaty of a General Peace; which Propositions, tho' her Majesty was prevail'd on by the false Counsels of the said *Robert Earl of Oxford* and *Earl Mortimer* and others, to receive as a sufficient Foundation for a Treaty of a General Peace, and as such to communicate them to the Grand Pensionary and the Ministers of *Holland*, her Majesty however was graciously pleas'd at the same time to declare to them her Pleasure by her Secretary of State, That being resolv'd, in making Peace as in making War, to act in perfect Concert with the States, she would not lose a moment in transmitting a Paper of that Importance; and that tho' the Propositions were general, and contain'd an Air of Complaisance to her Majesty, and the contrary towards the States; yet that could have no ill Consequences, as long as her Majesty and the States understood one another, and acted with as little Reserve as became two Powers so nearly ally'd in Interest; and that the Pensionary should be assur'd, That that Rule

far from being an unreasonable Deviation from the Methods of former Transactions in that kind, that it will be justify'd by many Precedents of such Treaties. The said Earl can affirm, that during the whole Negotiation, so far as he was concern'd, he acted with a sincere Intention, to obtain a General Peace for the Welfare and Honour of Her Majesty and Her Kingdoms, and such as might give *reasonable Satisfaction* to Her Allies, and answer all the Obligations Her Majesty was under, by any Treaties with any of the Confederates; and is not conscious to himself, that he hath in any respect transgressed that Duty, which as a Privy Counsellor, or Officer of State, he did owe to Her Majesty, or to the Publick. He is not insensible that many of the Articles, wherewith he stands charged, are complicated with such Circumstances, Aggravations and Inferences, as may render it difficult for him to acknowledge some Facts alledg'd, without acknowledging or seeming at least to acknowledge those Circumstances or Inferences. And as he is not conscious to himself of being guilty of any Crime he stands charg'd with, so he takes it to be agreeable to the common Course of Proceedings of



## ARTICLES.

Rule should be inviolably kept on our part. Which gracious Declaration of her Majesty, as well as the said Propositions, being maturely consider'd by the Grand Pensionary and the Ministers of *Holland*, an Answer was return'd from them to her Majesty, full of Duty and Thankfulness for the obliging manner in which she was pleas'd to communicate the said Propositions, and with the utmost Assurances of mutual Confidence so necessary to prevent the Designs of the Enemy; but more particularly that the States desir'd equally with *Great Britain* to have a general, definitive, and lasting Peace, and declar'd that they were ready to join in all the most proper measures to procure it; that the Propositions were yet too general, and that the States desire, as *Great Britain* did, that *France* would explain her self more particularly upon the Points therein contain'd, and impart a Plan which she thinks the most proper to secure the Interest of the Allies, and settle the Repose of *Europe*, after which a more particular Negotiation might be entered into. Notwithstanding all which Premises,

## ANSWER.

of this Nature, and to your Lordship's Justice, that he should not admit any Circumstances, which may tend to the Accusation of himself. He therefore begs Leave that he may be allow'd to distinguish between the Facts themselves, and the Inferences drawn from them; and that whenever he acknowledges any Fact, he may not be understood to acknowledge those Consequences which are in the Articles, deduc'd from it, unless it shall appear that that Consequence was the Aim and Design of the said Earl, or is the necessary Result of any Act he hath done.

## ARTICLE I.

**H**E the said *Robert* Earl of *Oxford* and Earl *Mortimer*, having no Regard to the Honour or Safety of her late Majesty or her Kingdoms, or to the many solemn Engagements she was then under to the Old and Faithful Allies of this Nation, or to the Common Liberties of *Europe*, but being devoted to the Interest and Service of the *French* King, the common Enemy, and being then Lord High Treasurer of *Great Britain*, and one of her Majesty's most Honourable Privy Council, contrary to his Oath, and in violation of his Duty and Trust, and in defiance of the Tenour of the several Treaties afore-mention'd, or some of them, as well as of the frequent Advices of Parliament, and the many Declarations of her Majesty from the Throne; but more particularly in defiance of the solemn and mutual Assurances which had been so lately renew'd between her Majesty and the States, to act in perfect Concert with them in making Peace as in making War, did on or about the Months of *July* or *August* in the Year of our Lord One Thousand Seven Hundred and Eleven, maliciously and wickedly, form a most treacherous and pernicious Contrivance  
and

## ANSWER I.

**I**N answer to the First Article, the said Earl saith, That he always had the greatest Regard to the Honour and Safety of Her late Majesty and Her Kingdoms, to all the Engagements She was under to the Allies of this Nation, and to the common Liberties of *Europe*; That he never was devoted to the Interest or Service of the *French* King; That he is not conscious to himself of having acted, whilst he had the Honour to be Her late Majesty's *High-Treasurer*, or one of Her Most Honourable Privy Council, contrary to his Oath, or in Violation of his Duty and Trust, or with Disregard to, much less Defiance of any Treaties in the said Article mention'd, of the Advices of Parliament, Her Majesty's Declarations from the Throne, or any mutual Assurances which had been made or renew'd between Her Majesty and the States, to act in perfect Concert with each other in making Peace as in making War; And he utterly denies, that in or about the Months of *July* or *August* 1711. or at any other Time he did form any Contrivance or Confederacy to set on Foot a private, separate, dishonourable or destructive Negotiation of Peace between *Great Britain* and *France*; nor  
doth



## ARTICLES.

## ANSWER.

and Confederacy with other evil dispos'd Persons, then also of her Majesty's Privy Council, to set on foot a private, separate, dishonourable, and destructive Negotiation of Peace between *Great Britain* and *France*, without any Communication thereof to her Majesty's Allies, according to their several Treaties; and was not only wanting in his Duty and Trust to her Majesty, by not opposing, and as far as was in his power by not advising her Majesty against going into any private, separate Negotiation with *France*; but in execution of his Purposes aforesaid, he the said *Robert Earl of Oxford* and *Earl Mortimer* did advise her late Majesty to send *Matthew Prior*, Esq; directly to the Court of *France*, to make Propositions of Peace, without communicating the same to her Majesty's Allies. And accordingly the said *Matthew Prior*, by the Advice and with the Privy of him the said *Earl of Oxford* and *Earl Mortimer*, and other false and evil Counsellors, in or about the Months of *July* or *August*, in the Year of our Lord One Thousand Seven Hundred and Eleven, was sent in a clandestine manner from *England* to *France*, and did communicate the said Propositions of Peace to the Ministers of *France*; in which  
the

doth he know of any such Contrivance or Confederacy form'd by any of Her Majesty's Privy Council, or that such Negotiation was at any time set on foot. But the said *Earl* says, He does believe that about the Month of *April* 1711. her late Majesty did receive from *France* some Proposals in order to set on foot a Treaty for a general Peace, sign'd by *Monsieur de Torcy*, Secretary of State to the Most Christian King, which as he believes were immediately communicated by Her Ambassador in *Holland* to the States-General: Whereupon, as he has been inform'd, they thanked Her Majesty for Her Confidence in them, declar'd themselves to be weary of the War, and ready to join in any Measures Her Majesty should think proper for obtaining a good Peace, and that they hoped Her Majesty would bring the *French* to explain more particularly the several Points contain'd in the above-mention'd Proposals, or to that Effect; and that after such Request Her Majesty sent *Matthew Prior*, Esq; to the Court of *France*, in order to obtain as full and ample an Explanation as he could of the first general Offers: But the said *Earl* denies, that he did advise Her Majesty to send the said *Mr. Prior* to the Court of  
*France*,

## ARTICLES.

## ANSWER.

the particular Interests of *Great Britain*, as well as the common Interest of *Europe*, were shamefully betray'd: And in manifestation of his said Design to exclude her Majesty's Allies from their just share in the said Negotiation, an express Article was inserted in the said Propositions, by the Privy and Advice of him the said *Robert Earl of Oxford* and *Earl Mortimer*, that the Secret should be inviolably kept till allow'd to be divulg'd by the mutual Consent of both Parties: Although the *French King* had, in the Propositions sign'd by *Monsieur de Torcy*, and transmitted in the Month of *April* preceding, offer'd to treat with the Plenipotentiaries of *England* and *Holland* alone, or jointly with those of the Allies, at the choice of *England*. By which treacherous and dangerous Advice, he the said *Robert Earl of Oxford* and *Earl Mortimer* did not only contrive and set on foot a Negotiation of Peace more advantageous to *France* than even *France* it self had ask'd; but thereby did put it into the power of the common Enemy to create incurable Jealousies and Discords between her Majesty and her Faithful Allies, and to destroy that Confidence which had so long and so successfully been cultivated between

*France*, to make Propositions of Peace, without communicating the same to Her Allies; or that the said *Mr. Prior* did by his Advice or Privy communicate any Propositions to the Ministers of *France*, wherein the Interests of *Great Britain*, or the common Interest of *Europe* were betray'd; nor doth the said *Earl* know, that the said *Mr. Prior* had any Power to communicate Propositions to the Ministers of *France*, which betray'd either the Interests of *Great Britain*, or the common Interest of *Europe*. Therefore the said *Earl* insists, that there is no Ground to charge him with the treacherous or pernicious Contrivances in this Article mention'd. And if any Article was inserted in any Propositions to be communicated by the said *Mr. Prior*, that the Secret should be inviolably kept till allow'd to be divulg'd by the mutual Consent of both Parties, yet the said *Earl* denies, that such Article was inserted by his Advice; and if any such there was, he cannot however believe it was design'd to exclude Her Majesty's Allies from their just Share in the said Negotiations, and hopes he may be allow'd to observe, That in case any Instructions were given for not divulging Propositions which concern'd



## ARTICLES.

tween them, and which was  
so necessary for their common  
Safety.

## ANSWER.

concern'd *Great Britain* in particular, the same were far from manifesting such Design as is before-mention'd, since it is well known to be the undoubted Right of every Member of a Confederacy to demand particular Advantages for themselves, not inconsistent with their Alliances, and which are not to take Place, but on the conclusion of a General Peace. And it has been usual for those to whom the first Overtures of Peace are made, to make Demands for themselves in the First Place, as the States particularly did in the Negotiations at the *Hague* in the Year 1709, and at *Gertruydenberg* in the Year 1710. And tho' he apprehends that an Agreement not to divulge the Propositions, without the mutual Consent of both Parties, could not be to the Prejudice of the Allies; yet he believes, that in order to prevent any unreasonable Jealousies among them, even those Propositions which related to *Great Britain* in particular, were communicated to them; and that it will likewise appear, That the Propositions Sign'd by Monsieur *de Torcy*, and transmitted in the Month of *April* 1711, in the said Articles mentioned, whereby it is said, 'The *French King* of-  
' fered to Treat with the Ple-

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## ANSWER.

' nipotentiaries of *England* or  
 ' *Holland* Alone, or Jointly  
 ' with those of the Allies, at  
 ' the Choice of *England*, were  
 Proposals relating only to the  
 manner of Treating, when the  
 Conferences should be opened;  
 and that her Majesty was  
 so far from taking upon Her  
 to Treat Singly for the Allies,  
 that she chose to have all  
 the Parties admitted to the  
 Congress, where they might  
 have an opportunity of Treating  
 and Adjusting their respective  
 Interests; that being, in her  
 Opinion, the fairest Method of  
 proceeding, most Advantageous  
 to the Confederates, and most  
 likely to prevent Jealousies and  
 Discords among them. And the  
 said Earl saith, That he does not  
 know that any Negotiation of  
 Peace was Contriv'd, or set on  
 Foot, by any Persons employ'd  
 in her Majesty's Service, which  
 was in any respect more  
 Advantageous to *France*, than  
*France* had asked, or which  
 had a tendency to give the  
 Enemy a Power to create  
 Misunderstandings between  
 her Majesty and her Allies, or  
 to destroy the Confidence between  
 them.



## ARTICLE II.

## ANSWER II.

That the *French* King laying hold of the said treacherous Overtures, set on foot in manner aforesaid, did in or about the Months of *August* or *September*, in the Year of our Lord One Thousand Seven Hundred and Eleven, send over Monsieur *Mesnager* into *England* to carry on a clandestine and separate Negotiation of Peace; which being made known to him the said *Robert* Earl of *Oxford* and Earl *Mortimer*, he did afterwards in the said Month of *September*, One Thousand Seven Hundred and Eleven, secretly and unlawfully, without any Colour of Authority, meet, confer, and treat with the said *Sieur Mesnager* on the Negotiations of a Peace between *Great Britain* and *France*; and therein he did advise and promote the making a private and separate Treaty or Agreement between the said Crowns: Which said Treaty or Agreement was afterwards, with the Privy, Consent, and Advice of him the said *Robert* Earl of *Oxford* and Earl *Mortimer*, agreed, concluded on, and sign'd by the said *Sieur Mesnager* on the part of *France*, and by the Earl of *Dartmouth* and *Henry St. John*, Esq; two of her Majesty's Principal Secretaries of State, in behalf of her

In answer to the Second Article, the said Earl saith, That he believes Monsieur *Mesnager*, a Subject of the *French* King, did sometime in the Year 1711. with Her Majesty's Leave, come into the Kingdom of *Great Britain*, and bring with him a Letter from the said *French* King to Her late Majesty, acknowledging Her Majesty Queen of *Great Britain*, and likewise expressing a desire to re-establish Peace with Her, and that he was furnish'd with full Power from the said *French* King for that purpose. The said Earl further saith, That it hath been the usual and allow'd Practice in most Nations, especially in *England*, for Privy Counsellors by verbal Orders from the Sovereign to confer within the Realm with Ministers of Foreign Princes, and he conceives such Practice to be agreeable to the Laws of this Realm, and that full Powers are usually granted to Ministers who are sent abroad for the Justification of the Persons with whom they shall Treat, rather than to justify such Ministers themselves; and the said Earl denies, that he did in the Month of *September* 1711. or at any other time secretly and unlawfully, or without Authority, confer

## ARTICLES.

## ANSWER.

her late Majesty, by virtue only of her Majesty's Sign Manual under the Signet, and without the least Knowledge or Participation of the Allies. In which Treaty the immediate Interests even of *Great Britain* are given up to *France*, and the Duke of *Anjou* is admitted to be King of *Spain*; an express Stipulation being therein made with the *Sieur Mesnager* in the Name, and (as is therein alledg'd) pursuant to the Powers from King *Philip* as King of *Spain*. Whereby he the said *Robert Earl of Oxford* and *Earl Mortimer* did not only assume to himself Regal Power, in taking upon him to meet and treat with the Enemy without any Authority or Powers from her Majesty; but did what in him lay to subvert the antient and establish'd Constitution of the Government of these Kingdoms, by introducing illegal and dangerous Methods of transacting the most important Affairs of the State; and by which private and separate Treaty, he the said *Robert Earl of Oxford* and *Earl Mortimer* did what in him lay to dissolve and cancel the many solemn Treaties her Majesty then stood engag'd in to her good and antient Allies, and whereby her Majesty, even before any thing was finally settled for the  
Safety

confer or treat with the said *Sieur Mesnager* on the Negotiations of Peace between *Great Britain* and *France*, or that he did advise or promote the making a private and separate Treaty or Agreement between the said Crowns; but he hath been inform'd, and doth believe, that there was a Paper stiled *The Answer of France to the Preliminary Demands of Great Britain more particularly*, Sign'd by *Monsieur Mesnager* only, to which was subjoin'd a Declaration of the Queen's Acceptance of those Preliminary Articles, as Conditions his Most Christian Majesty consented to grant, which were to be reduced into the usual Form of Treaties, and explain'd after the most clear and most intelligible manner, to the common Satisfaction of *Great Britain* and *France*, and this only in Case of a General Peace: And this Declaration or some other Declaration to the like Effect, he believes might be sign'd by the *Lord Dartmouth* and *Mr. Secretary St. John*, as in the said Articles is set forth. But the said *Earl* must crave leave to submit it to the Judgment of your Lordships, whether a Paper of that sort (if such there was) containing Offers from *France*, which were not to take Effect but in  
case



## ARTICLES.

Safety and Advantage of her Kingdoms, was brought to this fatal Dilemma ; Either to submit to the Dictates of *France* in the Progress of the said Negotiation ; or, so notorious a Breach of National Faith being divulg'd by the Enemy, from thence to lose all future Confidence of her good Allies.

## ANSWER.

case of a General Peace, can be called a Separate Treaty ; he believes the Allies had early Knowledge and Participation of the said Proposals, from the Ministers of *Great Britain*, but denies that the Interests of *Great Britain* were thereby given up to *France*, or the Duke of *Anjou* admitted to be King of *Spain* ; since in the Declaration annexed to the said Proposals he believes it is expressed, that Her Majesty might in Justice expect the Securities and Advantages mention'd in those Proposals, what Prince soever he should be to whom the Monarchy of *Spain* should be allotted ; and the said Earl, recollecting as well as he can what were Her Majesty's Views at that Time, is persuaded that Her Majesty had then a Prospect, that the Monarchy of *Spain* would fall to the Share of another Prince. The said Earl denies, That by his Privy, Consent or Advice, any private or separate Treaty or Agreement, whereby the Interests of *Great Britain* were given up to *France*, or the Duke of *Anjou* was admitted to be King of *Spain*, was Agreed, Concluded or Sign'd by the said *Sieur Mesnager* on the Part of *France*, and by the said Lord *Dartmouth* and *Henry St. John*, or either of them, in behalf of Her late Ma-

## ANSWER

Majesty; much less did the said Earl at any time assume to himself Regal Power, or take upon him to Meet and Treat with the Enemy without Authority from Her Majesty, or do any thing to subvert the ancient and establish'd Constitutions of the Government of these Kingdoms, or introduce any illegal or dangerous Methods of transacting the Affairs of State. And the said Earl further saith, That he did never aim at, or endeavour by any separate Treaty to dissolve or cancel any of those solemn Treaties, in which Her Majesty stood engag'd to Her Allies, nor was he privy to any Treaty, whereby the Queen was brought under a Dilemma, either to submit to the Dictates of *France* in the Progress of such Negotiation, or to lose the Confidence of Her Allies.



## ARTICLE III.

That the said *Robert Earl of Oxford* and *Earl Mortimer*, the better to disguise and carry on the aforesaid private, separate, and dangerous Negotiation, did, together with other evil-dispos'd Persons then in high Trust under her Majesty, contrive and advise the preparing and forming a Sett of General Preliminaries, intituled *Preliminary Articles on the part of France, to come to a General Peace*; and that the same should be sign'd by the *Sieur Mesnager* only. And the same being so prepar'd and sign'd by the said *Sieur Mesnager*, he the said *Robert Earl of Oxford* and *Earl Mortimer*, did, contrary to his Duty and Trust, impiously advise her Sacred Majesty, that the same should be, and accordingly they were received by her Majesty, and communicated to the Ministers of the Allies then residing in *England*, as the Ground of a General Negotiation of a Peace: and as if the same were the only Transactions that had been on this Subject between *Great Britain* and *France*. And to this End, the private Treaty, sign'd as aforesaid by the *Earl of Dartmouth* and *Mr. St. John* on the part of *England*, and by the said *Sieur Mesnager* on the part of *France*,

## ANSWER III.

In answer to the Third Article, the said Earl denies, That to disguise or carry on any private, separate, or dangerous Negotiations, he did contrive or advise the preparing and forming the Sett of General Preliminaries in the Article mentioned, Entituled, *Preliminary Articles on the Part of France, to come to a General Peace*; or any other Sett of General Preliminaries of like Nature; or that the same should be Sign'd by the *Sieur Mesnager*; or that he did advise Her Sacred Majesty, that the same should be receiv'd by Her Majesty: But the said Earl hath been inform'd, That certain Articles call'd, *Preliminary Articles on the Part of France, to come to a General Peace*, Sign'd by the *Sieur Mesnager* only, were received by Her Majesty, and believes the same might be communicated to the Ministers of the Allies then residing in *England*, as a Ground whereon the Confederates might Treat or Negotiate concerning a General Peace; but whether the same were communicated as the only Transactions that had been on that Subject, between *Great Britain* and *France*, the said Earl knows not: But since it is term'd Impious Advice, and contrary to the Duty and Trust of

## ARTICLES.

## ANSWER.

*France*, was by the evil Advice and Contrivance of him the said *Robert Earl of Oxford* and *Earl Mortimer*, and others, willfully and industriously conceal'd, not only from all the Allies, but even from her Majesty's Council and her Parliament. And he did further advise her Majesty not only to accept the said General Preliminaries, but in her Name and by her Authority, to communicate the same to the States-General, as a sufficient Foundation whereon to open the Conferences of Peace with *France*. And the more effectually to cover from the States-General the pernicious Steps which his evil Influence had engag'd her Majesty in with the common Enemy, certain Instructions were prepar'd, and by his Counsel and Advice were sign'd by her Majesty, and deliver'd to the *Earl of Strafford*, her Ambassador to the States-General; 'wherein the 'said *Earl of Strafford* is directed to represent to the 'Pensionary of *Holland*, and to 'such others as shall be appointed to confer with him, 'That when her Majesty had 'received in *May* last, by his 'Excellency's Dispatches, an 'Account of the Sense which 'those among them, who were 'at that time in the Secret,

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of a Minister of *Great Britain*, to advise the receiving such Articles; the said *Earl*, from his concern for the Honour of Her late Majesty's Administration, and the future Welfare of these Kingdoms, doth submit, Whether it is Criminal for such Minister to advise the receiving Articles from a Minister of a Prince in War, containing Proposals for giving reasonable Satisfaction to *Great Britain* and all her Allies, and which being Sign'd by the Minister of that Prince only, were not intended to bind any other; and since Preliminary Articles are no essential Step towards a General Negotiation (there being, as he believes, but few Instances where any Matters of Importance have been settled before the opening of general Conferences;) the said *Earl* does not conceive, That if any Minister of State had advis'd Her Majesty to accept the Preliminaries or Offers from *France*, said to be Sign'd by *Monsieur Mesnager* the 27th of *September* 1711, as the Foundation of a Treaty, he had thereby offended against any known Law, since the Proceedings upon such Preliminaries could not be more unsafe than proceeding without any at all. The said *Earl* denies, That any Treaty Sign'd by the *Earl of Dartmouth*



## ARTICLES.

had of the Overtures made by *France* for setting a general Negotiation of Peace on foot, and of the Answer which it was desir'd might be return'd to the Propositions sign'd by Monsieur *de Torcy*; her Majesty did immediately acquaint the Enemy, that their Offers were thought by her and by the States-General neither particular nor full enough: And therefore that her Majesty did insist, that they should form a distinct Project of such a Peace as they were willing to conclude. Whereas no such Instances had been made to the Enemy on her Majesty's behalf; but on the contrary, notwithstanding her Majesty had declar'd, that the Propositions of Monsieur *de Torcy* were thought by her and the States-General neither particular nor full enough, yet without any further Explication from the Enemy, her Majesty was prevail'd on, in manner aforesaid, to send over Propositions to *France* as general and insnaring, and in all respects as destructive to the Interests of *Great Britain* and her Allies, as the Propositions of Monsieur *de Torcy*. And the said General Preliminaries, communicated to the States in manner aforesaid, were calculated.

## ANSWER.

*Dartmouth* or Mr. *St. John*, or either of them, on the Part of *England*, and the *Sieur Mesnager* on the Part of *France* (if any such there be) was industriously conceal'd from the Allies, Her Majesty's Council, or Parliament, by his Advice or Contrivance; or that he dissuaded Her Majesty from laying any such Treaty before Her Allies, Her Council, or Parliament; or that he advis'd Her Majesty to receive the said General Preliminaries, or to communicate the same in Her Name, or by Her Authority, to the States General, as a sufficient Foundation whereon to open the Conferences of Peace with *France*: The said Earl hath been inform'd, and doth believe, That there were certain Instructions prepared and sign'd by Her Majesty, and deliver'd to the Earl of *Strafford*, Her Majesty's Ambassador to the States General, wherein the said Ambassador might be directed to represent to the Pensionary of *Holland*, and such others as should be appointed to confer with him in such manner as is set forth in this Article, or to the like effect; but he denies, that the said Instructions were Prepar'd, Sign'd, or Deliver'd by his Advice: Nevertheless the said Earl believes, the said Instructions were well warranted by

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## ARTICLES.

## ANSWER.

culated only to amuse and deceive them into a General Negotiation with *France*. And in the Particulars above-said, as well as in several others, the said Instructions contain'd Matters either false or grossly prevaricating and evasive. By which most wicked Counsels of him the said *Robert Earl of Oxford* and *Earl Mortimer*, that unquestionable Truth and Sacredness, which by the Laws of Nations ought to accompany and constitute the Instructions of publick Ambassadors to Princes in Friendship and Confederacy against the Common Enemy, was most vilely prostituted to the most dangerous purposes, to deceive and mislead her Majesty's good Allies in Matters of the greatest Importance to their own Interests, and the Interests of these Kingdoms; the Honour of her Majesty's Sacred Person, and of the Imperial Crown of these Realms, which had been rais'd to the highest pitch of **Glory** abroad, and had been justly held in Veneration with her good Allies, was scandalously debas'd and betray'd; and the Royal hand, by the wicked Arts of him the said *Robert Earl of Oxford* and *Earl Mortimer*, was made the Instrument to advance the Interest of the Common Enemy.

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the Truth of such Facts, as in the said Article are set forth to be contained in those Instructions, since the said Earl hath had credible Information, That after Her Majesty had receiv'd an Account of the Sense of some Persons in *Holland*, concerning the Overtures made by *France*, for the setting a general Negotiation of Peace on Foot, very pressing Instances were made on Her Majesty's Behalf, with the Enemy, to explain the first Offers made by *Monsieur de Torcy* more particularly, and to form a distinct Project of such a Peace as they were willing to conclude; and that such Instances had effect, will appear from the Preliminaries, said to be Sign'd by *Monsieur Mesnager*, *September* the 27th 1711, wherein several Explanations are made, and many Particulars of Moment are contain'd, which were not in the Propositions of *Monsieur de Torcy*; wherefore the said Earl apprehends, That the Propositions said in this Article to be sent over to *France*, (if any such were sent) were not so General as the Propositions of *Monsieur de Torcy*, nor in any respect Ensnaring, or destructive to the Interests of *Great Britain* or the Allies: But yet the said Earl believes that Her Majesty, at the same

## ANSWER.

same time She did communicate the said Preliminaries to the States-General, did likewise order Her Ambassador to acquaint them, That She judg'd those Articles did not contain such particular Concessions as *France* would probably be oblig'd to make in the course of the Negotiations, or to that effect. If therefore Her Majesty did, for the Good and Ease of Her People, endeavour to prevail with Her Allies to enter into a Negotiation of Peace, and did communicate the said Preliminaries to them, with that View, the said Earl cannot be induc'd to believe, that the said General Preliminaries, communicated to the States by Her Majesty in manner aforesaid, were calculated to Amuse or Deceive them ; nor doth the said Earl know or believe, that Her Majesty's Instructions to Her said Ambassador, either in the Particulars abovesaid, or in any other, contain'd Matters False, Prevaricating, or Evasive. And the said Earl must take the Liberty to affirm, That in the late Negotiations of Peace, as well as in all other publick Transactions of State, as far as he was concerned, he acted with the highest Regard to the Honour of Her Majesty, and with the utmost Zeal for the



## ANSWER.

Welfare both of Her and Her People, and is not conscious to himself that he ever gave any Counsels, whereby the Truth and Sacredness which ought to constitute and accompany the Instructions of publick Ambassadors to Princes in Friendship and Confederacy, against the Common Enemy, were in any wise prostituted, or the Honour of Her Majesty and of the Imperial Crown of these Realms, in any sort, debas'd or betray'd; and he humbly hopes no Instance can be given, wherein the Royal Hand of Her late Majesty was made the Instrument to advance the Interest of the Common Enemy.

## ARTICLE IV.

## ANSWER. IV.

That whereas the Earl of *Strafford*, pursuant to his said Instructions, had communicated the Preliminaries sign'd by Monsieur *Mesnager* only to the States-General, who being justly alarm'd at the pressing Instances made on the part of her Majesty, that Conferences should be open'd on Propositions as general and uncertain, as those so lately offer'd by *France*, and sign'd by Monsieur *de Torcy*; and their High Mightinesses having been unsuccessful in their Remonstrances to the Earl of *Straf-*

In answer to the Fourth Article, the said Earl doth not remember what Representations were made by M. *Buys* to Her Majesty in relation to the Propositions in the said Article mention'd, but saith, That if any Representations were made, the same were not render'd ineffectual by any Influence of the said Earl; and the said Earl doth admit, That at a Committee of Council there might be made some Declaration in Her Majesty's Name to M. *Buys* to the Effect in the said Article mention'd;

## ARTICLES.

## ANSWER.

*Strafford* against opening the Conferences upon the said Propositions, did send over Monsieur *Buys* their Ambassador, to represent to her Majesty, as well the Hazard of meeting the Ministers of *France* before the essential Articles were first settled by special Preliminaries, or at least explain'd by *France*, and made Specifick, as likewise the Advantages to the Enemy, who being but one Body, were influenc'd by one Council, and directed by one Power; whereas the Confederates consisted of several Powers, whose Interests are not only distinct, but in many Cases contrary to each other, whereby the *French* would have a fair Opportunity to divide the Allies, when it would be impossible for them to break in upon *France*; and further to represent, that the Propositions themselves were in some Instances very prejudicial, particularly in the Articles of Commerce, *Dunkirk*, and the Union of the Crowns of *France* and *Spain*. All which Representations of the said Monsieur *Buys*, by the evil Influence of him the said *Robert Earl of Oxford* and *Earl Mortimer*, and others, were render'd ineffectual; but in order to prevail upon the States-General to open the Conferences up-  
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tion'd; but doth not admit that any such Declaration was made by him the said Earl, or by his Management or Contrivance. And the said Earl believes, that what was so declar'd to the said M. *Buys* was agreeable to Truth, and to the real Sentiments and Intentions of Her Majesty, nor doth he know wherein the said Articles sign'd by M. *Mefnager*, and accepted by the Lord *Dartmouth* and Mr. *St. John*, if any such were then sign'd, were inconsistent with such Declaration, or how Her Majesty was thereby dishonour'd, or Her Allies abus'd, or that any Negotiation enter'd into with *France*, was either dangerous in itself, or fatal in its Consequences.

## ARTICLES.

on the said General Preliminaries, by the Management and Contrivance of him the said *Robert Earl of Oxford* and *Earl Mortimer*, and others, an Occasion was taken to declare to *M. Buys*, at a Committee of Council in her Majesty's Name, her constant Affection and good Disposition to their State, and to the promoting their Interest, and to treat with their High-Mightinesses with a perfect Confidence and Harmony : And at the same time, he the said *Robert Earl of Oxford* and *Earl Mortimer* did then falsely and maliciously declare, or was privy to, advising and consenting, that it should be, and so it was declar'd, in her Majesty's Name, that she had made no separate Treaty with *France*, nor would ever make any, before she had fully comply'd with all Engagements to her Allies, and that each of them should have Opportunity to make good their Pretensions.

By which false, scandalous, and dishonourable Assurances, he the said *Robert Earl of Oxford* and *Earl Mortimer* did not only highly dishonour her Majesty, by whose Privy the said separate Treaty with *France* had been before that time concluded and sign'd ; but their High Mightinesses,



## ARTICLES.

nesses, the good Friends and Antient Allies of her Majesty, were grossly abus'd, and thereby induc'd to enter into a Negotiation with *France*, so dangerous in itself, and so fatal in its Consequences.

## ARTICLE V.

That Her Sacred Majesty Queen *Anne*, having in due Form of Law, and under her Great Seal, constituted the Right Reverend *John* Lord Bishop of *Bristol*, and the Earl of *Strafford*, her Plenipotentiaries, with full Powers to meet, treat, and conclude with the Plenipotentiaries of the Confederates, and those whom the *French* King shall on his part depute for that Purpose, the Conditions of a good and general Peace, that shall be safe, honourable, and as far as is possible, agreeable to the reasonable Demands of all Parties; he the said *Robert* Earl of *Oxford* and Earl *Mortimer*, not contenting himself to abuse the Royal Authority, to the Delusion of the States-General, the nearest Allies of the Queen, but intending the universal Prejudice of his Imperial Majesty, and all the Allies of these Kingdoms, and thereby the more successfully to carry on the Measures of *France*, wherein he was then

## ANSWER. V.

In answer to the Fifth Article, the said Earl admits, That Her sacred Majesty Queen *ANNE* did in due form of Law, and under Her Great Seal, constitute the Right Reverend *John* Lord Bishop of *Bristol*, and the Earl of *Strafford* Her Plenipotentiaries, with full Powers to meet, treat and conclude with the Plenipotentiaries of the Confederates, and those whom the *French* King should on his Part depute for that Purpose, the Conditions of a good and general Peace, that should be Safe, Honourable, and as far as was possible, agreeable to the reasonable Demands of all Parties, and believes Instructions were prepar'd and deliver'd to them, wherein they were Instructed amongst other Things to the Effect in the said Article set forth; And is firmly persuaded, that when the said Plenipotentiaries were so instructed to insist, that *Spain* and the *West-Indies* should not be allotted to the House of *Bourbon*, no Treaty

## ARTICLES.

## ANSWER.

then engag'd, contriv'd and prepar'd Instructions, or was privy to, consenting and advising the same, for her Majesty's said Plenipotentiaries, which she was prevail'd upon by the said *Robert* Earl of *Oxford* and Earl *Mortimer's* evil Counsel to sign, and the same were deliver'd to the said Plenipotentiaries; wherein, among other things, they are instructed to the effect following, viz. 'If it shall be thought proper to begin by the Disposition of the *Spanish* Monarchy, 'you are to insist that the Security and reasonable Satisfaction which the Allies expect, 'and which his most Christian Majesty has promis'd, cannot 'be obtain'd, if *Spain* and the '*West-Indies* be allotted to any 'Branch of the House of *Bourbon*: Whereas the said *Robert* Earl of *Oxford* and Earl *Mortimer* had at that time privately and treacherously negotiated and agreed with the Ministers of *France*, That *Spain* and the *West-Indies* should remain in a Branch of the House of *Bourbon*, and had prevail'd on her Sacred Majesty to be Party to the said private Treaty, wherein the same is necessarily implied. 'And the said Plenipotentiaries are further instructed, in case the Enemy 'should object, as the Imperial 'Mi-

Treaty had been Negotiated and Agreed, that *Spain* and the *West-Indies* should remain in a Branch of that House; and he has reason to believe, that at the Time when the said Instructions were given to Her Majesty's said Plenipotentiaries, there was just Ground to believe, that King *Philip* would be induc'd to abandon *Spain* and the *West-Indies*, and content himself with the Dominions of *Savoy*, and the Kingdom of *Sicily*; and he believes he may so far depend on his Memory (as to say) That he heard the late Queen declare, *She believed the Prospect King Philip had of succeeding to the Crown of France, would be an Inducement to him to be easy with that Allotment*: And it seem'd probable, that the Addition of the Dominions of *Savoy* to the Crown of *France*, in case King *Philip* should succeed to it, would be esteem'd by the *French* Court as a Thing more to be desir'd by them, than that *Spain* and the *Indies* should remain in the Possession of a younger Prince of the House of *Bourbon*, under the Condition of his Renouncing the Right he would have to the Crown of *France*, if the eldest Branch should fail. These seem to him to have been Her Majesty's Views at the Time when the said Instructions,

## ARTICLES.

## ANSWER.

Ministers had done, that the second Article of the Seven sign'd by Monsieur *Mefnager* implies, that the Duke of *Anjou* shall continue on the Throne of *Spain*; you are to insist, that those Articles, as far as they extend, are indeed binding to *France*, but that they lay neither us nor our Allies under any positive Obligation; whereby the said *Robert Earl of Oxford* and *Earl Mortimer* basely enter'd into a Confederacy and Collusion even with the Ministers of the Enemy, and prevail'd on her Majesty to give her Royal Consent thereto, the more effectually to impose on his Imperial Majesty and all the Allies, and to conceal the said secret Negotiations, and the separate Treaty that had been agreed on between *Great Britain* and *France*. And the said *Robert Earl of Oxford* and *Earl Mortimer*, not only in the Particulars before-mentioned, but in many others contain'd in the said Instructions, has brought a lasting Reproach on the Crown of these Realms, and grossly violated the many Treaties wherein her Sacred Majesty was then engag'd to her Allies, to act in perfect Concert with them throughout the Negotiations of Peace.

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structions were given to the Bishop of *Bristol* and the Earl of *Strafford*; and he therefore believes, that whoever contrived or prepared the same, did prepare them conformable to Her Majesty's real Sentiments, and was far from any Thought or Design to abuse the Royal Authority, delude the States-General, prejudice his Imperial Majesty, or any of the Allies, or carry on the Measures of *France*; and if King *Philip* afterwards upon Information, that the then *Dauphin* was likely to live, or at the pressing Instances of the *Spaniards*, and Influence of *Spanish* Councils, or upon any other Motives, refused to accept of *Savoy* and *Sicily*, and chose rather to Renounce the *French* Monarchy; he thinks no Person who acts in the Service of the Crown can be safe, if it may be charg'd on him as a Crime, that he advised Instructions, which by intervening Circumstances afterwards became improper. But he the said Earl doth not admit, that he contrived or prepared the said Instructions, or was consenting or advising to the contriving or preparing of them, or prevail'd on Her Majesty to sign them; much less that he abused the Royal Authority, to the Delusion of the States-General, or intended

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## ANSWER.

the Prejudice of his Imperial Majesty or any of the Allies, or was engag'd to carry on the Measures of *France*, or had, when the said Instructions were Prepared, Negotiated or Agreed with the Ministers of *France*, That *Spain* and the *West-Indies* should remain in a Branch of the House of *Bourbon*, or had prevail'd on Her Majesty to be Party to any private Treaty, wherein the same was necessarily imply'd. If the Plenipotentiaries were instructed, in case the Enemy should object, That the Second Article of the Seven, sign'd by Monsieur *Mesnager*, implied the Duke of *Anjou* should continue on the Throne of *Spain*, to insist that those Articles were binding to *France*, but laid neither the Queen nor her Allies under any Obligation, the said Earl does not apprehend how an Instruction to her Majesty's Plenipotentiaries, to make a just Answer to a false Inference, that might happen to be drawn by the Enemy from the Words of such an Article, can be interpreted an entering into a Confederacy, or Collusion with the Ministers of the Enemy; or that her Majesty's Consent to such Instructions could imply any Design to impose on his Imperial Majesty or the Allies, or to conceal any Negotiations

## ANSWER,

gotiations between *Great Britain* and *France*. But the said Earl is confident it will not appear by any of his Actions on the strictest Scrutiny, that he ever enter'd into any Confederacy or Collusion with the Ministers of the Enemy, or prevail'd on the Queen to give Her Consent thereto, or had any designs to impose upon his Imperial Majesty or any of the Allies, or ever was privy to any secret Negotiations or separate Treaty between *Great Britain* and *France*, whereby either in the before-mention'd, or in any other Particulars, any Reproach could be brought on the Crown of these Realms, or in any Treaties wherein Her Majesty was engag'd to Her Allies, were violated.

## ARTICLE VI.

That the Conferences of Peace being open'd between the Plenipotentiaries of the Allies, and those of the Enemy, for the negotiating a General Peace upon the mutual and most solemn Engagements amongst the Allies, not only to act in perfect Confidence with each other, but to promote their common Interest, and to obtain from the Enemy all just and reasonable Satisfaction; and a Specifick Explanation

## ANSWER VI.

In answer to the Sixth Article, the said Earl does admit, That after the Conferences of Peace between the Plenipotentiaries of the Allies, and those of the Enemy, for negotiating a General Peace were opened, wherein he is persuaded Her Majesty and Her Ministers did act in perfect Confidence with the Allies, and to promote their Common Interest, and to obtain from the Enemy all just and reasonable Satisfaction;

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## ARTICLES.

## ANSWER.

planation of the General Preliminaries having been given in by the Enemy at *Utrecht*, whereon the Allies delivered their respective Demands ; by the Artifices of *France*, and the secret Encouragement and Concurrence of the Ministers of *Great Britain*, the Progress of the said publick Negotiation was delayed and kept in suspense, under pretence of the Enemy's refusing to give their Answer in Writing : During which time, he the said *Robert Earl of Oxford* and *Earl Mortimer*, again assuming to himself Regal Power, in Derogation of the Royal Authority, to treat of Peace with *France*, which was then delegated under the Great Seal of *Great Britain* to her Majesty's Plenipotentiaries at *Utrecht*, and for the promoting the Design of the Enemy, to the apparent Destruction of the Common Cause of her Majesty and her Allies, contrary to the known Laws and Constitution of this Kingdom, in direct Violation of the several Alliances her Majesty then stood engaged in, and in Opposition to the many Assurances given by her Majesty to act in Concert with her Allies, and in Defiance of the express Instructions given to her said Plenipotentiaries ; was not only wanting

the Progress of the said Negotiation was delay'd by Debates, concerning the Enemy's refusal to give their Answer, in Writing, to the Demands of the Allies ; but he doth not know that any of the Ministers of *Great Britain* did, by any Encouragement or Concurrence, contribute thereunto : And if, during that time, Her Majesty thought fit to Authorize any of Her Ministers to write or negotiate upon any particular Points, relating to the Peace, directly from *England* to *France*, in order to facilitate the General Negotiation of Peace, which he the said Earl doth not admit to have been done by his Privy ; yet he the said Earl doth not apprehend, that by the Constitution of the Kingdom, or any Law in being, the Queen was debar'd from doing so ; or that by constituting the said Plenipotentiaries, She had so far delegated to them Her Royal Authority, as to be disabled, without revoking their Commission, to Treat or Negotiate any Matters conducing to that End, in such other manner as She should think fit. The said Earl saith, That he did not advise, contrive, or promote any private, separate, or unjustifiable Negotiation with *France*, nor doth he know any Negotiation, relating to the



## ARTICLES.

wanting in his Duty to her Majesty, as far as in him lay to have put an end to, and prevented any further private and unlawful Negotiations with *France*, but did, with others his Accomplices, advise, concur, continue, and promote a private, separate, and unjustifiable Negotiation with *France*, directly from *England to France*, without any Communication thereof to the Allies; and in such private Negotiations did concert with the Ministers of the Enemy Terms of Peace highly prejudicial to the Interest of her Majesty and her Kingdoms, and of all her Allies, and whereby the good Effects of the said General Negotiations were entirely defeated.

## ARTICLE VII.

That her Sacred Majesty Queen *Anne* having been prevailed on by the false Counsels of him the said *Robert Earl of Oxford* and *Earl Mortimer* to accept of a Treaty with *France*, on the Supposition that the *Spanish* Monarchy should continue in the Possession of a Branch of the House of *Bourbon*; and it being

## ANSWER.

the Peace, was carry'd on, without communication thereof to the Allies. And the said Earl denies that he ever assum'd Regal Authority, or that he treated of Peace with *France* in any manner that could be liable to such Imputation, or did promote the Design of the Enemy to the Destruction of the Common Cause of Her Majesty, or of Her Allies, contrary to the Laws or Constitution of this Kingdom, or in Violation of any of the Alliances Her Majesty stood engag'd in, or of the Assurances given by Her Majesty, or of Her Instructions to Her Plenipotentiaries; or that any Terms of Peace were, by him, at any time concerted, prejudicial to the Interest of Her Majesty, or Her Kingdoms, or Allies, or whereby the good Effects of the General Negotiation were defeated.

## ANSWER VII.

In Answer to the Seventh Article, the said Earl saith, That he never advised her late Majesty to accept of a Treaty with *France*, on a Supposition that the *Spanish* Monarchy should continue in the Possession of a Branch of the House of *Bourbon*; nor did he advise, or carry on any private or separate Negotiation with *France*,

## ARTICLES.

## ANSWER.

ing acknowledged even by the *French* King in the General Preliminaries signed by Monsieur *Mefnager*, that the Excess of Power from the Reunion of the Crowns of *France* and *Spain* would be contrary to the Good and general Repose of *Europe* : He the said *Robert* Earl of *Oxford* and Earl *Mortimer*, having nothing so much in view as the aggrandizing the common Enemy, yet always intending to cover the Iniquity of his Heart under specious Pretences and false Appearances, did wickedly and treacherously advise and carry on a private and separate Negotiation with *France*, on the Subject of a Renunciation of his Right to the Kingdom of *France* by the Duke of *Anjou*, and that such Renunciation should be the Security against the Re-union of the two Kingdoms. And by the Influence of his evil Counsels her Majesty was prevailed on to accept and finally to conclude and ratify a Treaty of Peace with *France*, wherein the said Renunciation is taken as a sufficient Expedient to prevent the Mischiefs that threaten'd all *Europe*, in case the Crowns of *France* and *Spain* should be united upon the Head of one and the same Person ; altho' he the said *Robert* Earl of *Oxford*

*France*, on the Subject of a Renunciation to be made by the Duke of *Anjou*, of the Right he might have to the Kingdom of *France*, and that such Renunciation should be the Security against the Re-union of the Two Kingdoms : Or that by his Counsels her Majesty was prevail'd on to accept, and finally to conclude and ratify a Treaty of Peace with *France*, wherein the said Renunciation is taken as a sufficient Expedient to prevent the Mischiefs that threaten'd all *Europe*, in case the Crowns of *France* and *Spain* should be United upon the Head of One and the same Person : Nor doth he know, that during the said Negotiation, any such Memorial, as in the said Article is set forth, was transmitted by the said Monsieur *de Torcy* to any of her Majesty's Principal Secretaries of State : But he the said Earl doth freely acknowledge, that if he had been call'd upon to give his Opinion concerning the leaving of *Spain* and the *West-Indies* in the Possession of a Branch of the House of *Bourbon*, and accepting the Renunciation of his Right to the Kingdom of *France* by the Duke of *Anjou*, he doth not at present see any Reason why he might not have been of Opinion for leaving *Spain* and the *West-*



## ARTICLES.

## ANSWER.

*ford* and Earl *Mortimer* well knew, that a Memorial had been, during the said Separate Negotiation, transmitted by Monsieur *de Torcy*, Secretary of State and Minister to the *French* King to one of her Majesty's Principal Secretaries of State, whereby it was declared, that the said Renunciation would be null and invalid by the Fundamental Laws of *France*; which Laws were look'd upon as the Work of Him who had established all Monarchies, and which He only could abolish; and that no Renunciation therefore could destroy it: And if the King of *Spain* should renounce, they would deceive themselves that should receive it as a sufficient Expedient to prevent the Mischiefs proposed to be avoided. By which false and treacherous Counsels, he the said *Robert* Earl of *Oxford* and Earl *Mortimer* did not only betray the Interests of the Common Cause into the Hand of the most formidable Enemy, but wilfully and maliciously abused the Power and Influence which he had obtained with her Majesty, so far as to engage her Sacred Majesty, and the Honour of the Imperial Crown of these Kingdoms, to become Party with *France* in so fatal a Deceit.

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*West-Indies* to the present Possessor, and accepting the Renunciation, rather than have continued the War, so burthensome to the People, and so impracticable upon the Foot on which it then stood, especially since all Endeavours to remove him by Treaties or Force, had so long prov'd ineffectual. And in case any such Memorial, as is set forth in the said Article, was sent by any Minister of *France* to the Secretary of the late Queen, he should look upon the same as a Proof of the Earnestness of the Court of *France* to avoid such Renunciation, which might more effectually prevent all possibility of annexing the Crown of *Spain* to that of *France*. But whatever Inducements might be for such a Memorial (if any such was transmitted) the said Earl doth affirm, that he never gave any Counsels, by which the Interest of the common Cause could be betray'd into the Hands of the Enemy; nor doth he think it was possible by any Power or Influence, to engage her Majesty to become Party with *France* in any Deceit; but whatever Credit he at any time had by her Favour, he always used it with the utmost Sincerity for her Service, and the Good of her People.

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## ARTICLE VIII.

That her late Majesty Queen *Anne*, having on the Seventh Day of *December*, in the Year of our Lord One Thousand Seven Hundred and Eleven, earnestly recommended it from the Throne, That Provision might be made for an early Campaign, in order to carry on the War with Vigour, and as the best way to render the Treaty of Peace effectual ; in order to which vast Supplies were granted, and Magazines provided at a great Expence for an early Campaign ; and in pursuance thereof, her Majesty having sent her Generals *Lumley* and *Cadogan*, to give early Assurances to her Allies of her sincere Intentions, and likewise expressly instructed her General, the Duke of *Ormond*, not only to renew the same Assurances, and declare her Resolutions of pushing on the War with the utmost Vigour, but to concert with the Generals of the Allies the proper Measures for entering on Action ; and the Confederate Army, which at that time was the finest and strongest that had been in the Service during the whole Course of the War, and provided with all Necessaries to act with Vigour, having march'd according to the Resolution taken in

## ANSWER VIII.

In Answer to the Eighth Article, the said Earl believes, That Her late Majesty Queen *ANNE* did, on the 7th Day of *December*, in the Year of our Lord 1711, recommend it from the Throne, *That Provision might be made for an early Campaign, in order to carry on the War with Vigour, and as the best Way to render the Treaty of Peace Effectual*; and he does believe, that in order thereto Supplies were granted and Magazines provided, at a great Expence, for an early Campaign, and that in pursuance thereof, her Majesty might send some General Officers to explain her Intentions to her Allies ; and likewise instructed her General, the Duke of *Ormond*, to declare her Resolutions of carrying on the War, and to concert with the Generals of the Allies, the proper Measures for entering upon Action ; and he doth believe, that the Confederate Army was provided with all Necessaries ; but whether the said Army had approach'd, or how near they had proach'd to the Enemy : Whether they had any, or what Superiority, as to the Number of Troops, or what likelihood there was, that they would have been able, either by Battle or Siege, to have better'd the Affairs of the Allies, or to have

## ARTICLES.

in Concert with her Majesty's General, almost up to the Enemy, with a great Superiority both as to the Number and Goodness of Troops, and were animated with a noble Courage and Zeal to acquit themselves bravely ; so that in all human Appearance, and with the Divine Assistance, which had appeared so visibly for them on many other Occasions, they would have been able, either by Battle or Siege, to have gained great Advantages over the Enemy, to have bettered the Affairs of the Allies, and to have facilitated the Negotiations of Peace : And the Ministers of *France* having frequently and earnestly represented to the said *Robert Earl of Oxford* and *Earl Mortimer*, and others his Accomplices, during their secret Negotiations, their just Apprehensions from the Bravery and good Disposition of the Confederate Army ; he the said *Robert Earl of Oxford* and *Earl Mortimer*, being truly informed of the sure Prospect which, by the Blessing of God, the Army of the Confederates then had, of gaining new Conquests over the Army of *France*, and whereby they would have been enabled to have forced Terms of Peace, Safe, Honourable, and Lasting ; in order to disap-

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## ANSWER.

have facilitated the Negotiations of Peace, the said Earl is not able to say : But it must be obvious to every one, that any Miscarriage or Disaster, on the part of the Allies, at such a Juncture, must have been fatal to them : And though the Divine Assistance had been very remarkable in the many Victories her Majesty's Forces had obtained, yet her Majesty's Piety was so great, that it is not likely she should, without the greatest Necessity, have been willing to have tempted that Providence which had been so signal in Her Favour, by hazarding the Blood of Her Subjects, at a Time when She had so near a Prospect of the Conclusion of a Peace : And the said Earl believes it might be owing to this Piety of the Queen, and Her Knowledge of some important Matters then depending, that Directions were sent to the Duke of *Ormond* (if any such were sent) to avoid engaging in any Siege, or hazarding any Battle till further Orders ; which he supposeth Her Majesty might do upon any Causes She thought proper, as well as the Deputies of the States, who, as the said Earl hath been inform'd, have often refus'd to engage in a Siege or Battle, upon such Ground as they alone thought fit, when their own Generals, and the

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## ARTICLES.

point those comfortable Expectations of the Allies, and to give Success to his secret Negotiations with the Ministers of *France*, was privy to, consenting and advising, together with other false and evil Counsellors, and together with them, did advise and consent, 'That an Order should be sent, in her Majesty's Name, to the Duke of *Ormond* in *Flanders*, to avoid engaging in any Siege, or hazarding a Battle, till further Orders'; altho nothing had then been settled in the said private Negotiations for the Interest and Security of *Great Britain*, and although *Philip* King of *Spain* at that time had not consented to the Renunciation of his Right to the Crown of *France*: And not contenting himself with having obtained that fatal Step, so highly advantageous to the Cause of *France*, but being wickedly determined to do all that in him lay to dissolve the whole Confederacy, he the said *Robert* Earl of *Oxford* and Earl *Mortimer*, with others, was privy to, and did consent and advise, that Orders should be sent to the Bishop of *Bristol*, one of her Majesty's Plenipotentiaries then at *Utrecht*, 'To take the first solemn Opportunity to declare to the *Dutch* 'Mi-

## ANSWER.

Generals of the other Allies, were of Opinion, they had a visible Advantage of the Enemy, and might engage in such Siege or Battle, with great probability of Success: But he doth affirm, That the Ministers of *France* never represented to him, or to any others, as far as he knows, during any Negotiation, any Apprehensions they had from the Bravery and good Disposition of the Confederate Army; nor was he ever inform'd of any sure Prospect, which it is alledg'd, the Army of the Confederates then had of gaining new Conquests over the Army of *France*, or whereby they would have been enabled to have forced any better Terms of Peace than there was at that time likelihood of: But on the contrary he has been inform'd, that the Forces of *France* were superior in Number to those of the Confederates, especially in Horse. However, the said Earl doth not admit that he did advise or consent that any Order should be dispatch'd in Her Majesty's Name, to the Duke of *Ormond*, to the afore mention'd Effect; nor had he any View or Design to disappoint the Expectation of the Allies, or to give Success to any secret Negotiations with the Ministers of *France*. The said Earl likewise denies, that



## ARTICLES.

‘ Ministers, that her Majesty  
 ‘ look’d on herself from their  
 ‘ Conduct to be then under  
 ‘ no Obligation whatsoever to  
 ‘ them’; which two Declarati-  
 ons giving just Alarm to all  
 the Allies, they represented  
 to the Bishop of *Bristol* their  
 general Dissatisfaction, and  
 the unexpressible Consternation  
 they were all in; that these  
 Proceedings were the unavoid-  
 able Ruin of *Europe*: They  
 urged Religion, Liberty, and  
 the Faith of Treaties, to shew  
 the Enormity of this Usage;  
 and the States expressed their  
 Uneasiness on no account so  
 much, as that they could not  
 come to the knowledge of  
 their own Lot. Which Re-  
 presentations the Bishop of *Bri-  
 stol* did, at the Instance of  
 the Allies, signify to one of  
 her Majesty’s Principal Secre-  
 taries of State. But their High  
 Mightinesses finding, that all  
 their Applications to the Mini-  
 sters of *Great Britain*, and  
 in particular to the said  
*Robert Earl of Oxford* and  
*Earl Mortimer*, were of no  
 Avail against *France*, and for  
 the Interest of the Common  
 Cause, thought it necessary,  
 in a manner the most mo-  
 ving and respectful, to address  
 directly to her Majesty, by a  
 letter of the Fifth of *June*,  
 one Thousand Seven Hundred  
 and Twelve; therein expres-

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## ANSWER.

that he did consent or advise,  
 that Orders should be sent to  
 the Bishop of *Bristol*, one of  
 Her Majesty’s Plenipotenti-  
 aries then at *Utrecht*, to De-  
 clare to the *Dutch* Ministers,  
 That Her Majesty look’d on  
 Herself, from their Conduct,  
 to be then under no Obliga-  
 tion whatsoever to them. He  
 doth not know what Alarm  
 the Allies might take, or what  
 Representations they made to  
 the Bishop of *Bristol* of their  
 Dissatisfaction, or Consterna-  
 tion, but doubts not the said  
 Bishop would readily represent  
 what they desir’d, tho’ such  
 Representation made by his  
 Lordship, if any such there  
 was, fell not under the Know-  
 ledge of the said Earl, nor doth  
 he admit that any Application of  
 that Kind was made to him.  
 And in case the States-General  
 made such Address directly to  
 Her Majesty, by a Letter of  
 the 5th Day of *June*, as in the  
 said Article is set forth; he  
 the said Earl, not being ac-  
 quainted therewith, could nei-  
 ther advise Her Majesty to  
 hearken to the Instances there-  
 in made, nor to disregard, or  
 to reject the same. He saith,  
 He never enter’d into Mea-  
 sures for the Advancement of  
 the Interest of the common  
 Enemy, or Countenanc’d, En-  
 courag’d, Advis’d, or Promo-  
 ted any Negotiations with

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*France*

## ARTICLES.

sing their great Surprize and Affliction at the two Declarations afore-mentioned ; and finding it difficult to conceive how such Declarations so prejudicial to the Common Cause, given so suddenly without their Knowledge, and undoubtedly too without the Knowledge of the other Allies, could agree and consist with the Nature of an Alliance, and with those Assurances and Engagements her Majesty had so lately made, and not knowing how to reconcile it with the great Goodness and Kindness which her Majesty had always honour'd them with, and not being able to conceive how such a sudden Change could happen, with respect to them, having carefully examined their own Conduct, and finding nothing therein that could have given Ground to her Majesty's Dissatisfaction ; and having represented the visible and immediate fatal Consequences of the said two Orders, not only to the Common Interest of her Majesty and the States, but to the whole Confederacy, and to the Protestant Religion ; they beseeched her Majesty, with all the Respect, and all the Earnestness they were capable of, that she would not persist in the Declarations made by the Bishop of *Bristol*,

## ANSWER.

*France* without Participation of the Allies, or contrary to Her Majesty's Engagement, or to the Ruin of the common Cause ; nor is he conscious to himself, that he ever gave any Counsels, by which the Progress of the victorious Arms of the Confederates was stopped, or any Opportunity lost for conquering the Enemy, or which had any Tendency to destroy the Confidence between Her Majesty and Her Allies, or make the *French* King Master of the Negotiations of Peace, or which could put the Affairs of *Europe* into his Hands.

ANSWER.

## ARTICLES.

*Stol*, and would be pleased to revoke the Orders given to the Duke of *Ormond*, and would authorize him to act according to Occurrences, and as the Exigency of the War, and the Advancement of the Common Cause should require. Notwithstanding which, he the said *Robert* Earl of *Oxford* and Earl *Mortimer*, being acquainted with the said Representations of the States, was not only wanting in his Duty to her Majesty, and to his Oath, and the great Trust reposed in him, in not advising, as he ought to have done, her sacred Majesty to have hearkned to the said several Instances made to her; but persisting in his desperate and destructive Measures, for the Advancement of the Interest of the Common Enemy, did afterwards advise her Majesty to disregard and reject the same, and did countenance, encourage, advise, and promote the said private, separate, and wicked Negotiations with *France*, without any Participation of the Allies, contrary to all her Majesty's Engagements, and to the apparent Ruin of the Common Cause. By which several wicked and perfidious Counsels, the Progress of the Victorious Arms of the Confederates was stopped, and an Op-



## ARTICLES.

## ANSWER.

Opportunity lost for conquering the Enemy, the most favourable, in the Opinion of all the General Officers and the Quarter-masters of the Allies, who were sent out to view the *French* Camp, and whereby all Hopes of Confidence between Her Majesty and Her Allies was entirely destroyed, and the *French* King made absolute Master of the Negotiations of Peace, and the Affairs of *Europe* given into his Hands.

## ARTICLE IX.

## ANSWER IX.

That to impose upon the Allies the fatal Necessity of submitting to the Terms of *France*, and in order thereto to leave the whole Confederate Army at the mercy of the common Enemy, he the said *Robert* Earl of *Oxford* and Earl *Mortimer* was privy and consenting to a secret and separate Concert with the Ministers of *France*, without the knowledge of the Allies, for the separating the Troops in Her Majesty's Pay from the rest of the Confederate Army: For the effecting whereof, instead of preventing as far as in him lay so fatal a Step, he was not only wanting to advise against so unwarrantable a Proceeding, but did consent to, and advise Her Majesty, that the Duke of *Ormond*, and all the Troops then

In Answer to the Ninth Article, The said Earl denies he was Privy, or consenting to any Concert with the Ministers of *France* for the separating the Troops in Her Majesty's Pay from the rest of the Confederate Army; and not being Privy to any such Concert, he hopes it will not be imputed to him as any want of Duty, that he did not advise against such a Proceeding. He denies also, that he ever entertain'd the least Design of imposing upon the Allies any Necessity of submitting to the Terms of *France*, or of leaving the Confederate Army to the Mercy of the Enemy, or that he did Consent or Advise Her Majesty, that the Duke of *Ormond* and the Troops in Her Majesty's Pay, or such of them as would obey

## ARTICLES.

then in Her Majesty's Pay, or such of them as would obey his Orders, should separate themselves from the Army of the Confederates : And having Notice that the Generals of the Auxiliaries, paid by Her Majesty, whose Honour and Consciences would not permit them to abandon the Confederates, and leave them as a Sacrifice to *France*, but for the sake of the Common Interest of *Europe*, and according to the true End and Design of their Conventions, did refuse to withdraw with the Duke of *Ormond*, without particular Orders from their respective Masters ; he the said *Robert Earl of Oxford* and *Earl Mortimer*, being then Lord High Treasurer of *Great Britain*, and one of Her Majesty's most Honourable Privy Council, in Violation of his Oath, and the Duty and Trust reposed in him, did take upon himself an arbitrary and illegal Power, to refuse and put a Stop to the Pay and Subsidies due on Account of the said foreign Troops, altho' they were intitled thereto by the Conventions entered into with Her Sacred Majesty, and by express Provision made by Act of Parliament for the payment of the same ; by which fatal Separation, which pursuant to his Evil Counsels was afterwards

## ANSWER.

bey his Orders, should separate themselves from the Army of the Confederates. The said Earl hath been informed, and believes it to be true, that the Imperial General and some other Generals did propose to the Duke of *Ormond* in *June*, or *July*, in the Year 1712, to Decamp from the Ground where they lay, and to proceed towards *Landrecy*, in order to form the Siege of that Place, and that the Duke of *Ormond* thought it not proper to consent thereto ; and gave Notice to the said Generals, that if they Decamped, they must not expect him to follow them : And the said Earl believes Instances may be given where Generals of other Potentates in the Alliance have refused to comply with what has been proposed to them by Her late Majesty's General. The said Earl hath likewise heard, that notwithstanding such Notice from the Duke of *Ormond*, the said Generals separated themselves and their Forces from the said Duke, and marched towards *Landrecy* without him, and that the said Duke continued for some time in his former Camp, after such Separation. And that the Generals of the Auxiliary Troops paid by Her Majesty, altho' requir'd by the said Duke of *Ormond*, under whose Com-

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## ARTICLES.

wards made, great Numbers of the Confederate Troops, who had before on many Occasions signaliz'd themselves in the Defence of the Cause of *Europe*, soon afterwards, at the unfortunate Action of *Dennain*, fell as Sacrifices to the Fury and Revenge of *France*; the Siege of *Landrecy* was raised, the important Towns and Fortresses of *Quesnoy*, *Bouchain*, and *Douay*, were retaken by the *French* Army; and not only the Fortune of the War, but the Fate of *Europe* decided in Favour of *France*.

## ANSWER.

mand they then were, to continue with him, and to obey his Orders, refus'd so to do. He the said Earl supposes it might proceed from Her Majesty's Resentment of that Instance of Disobedience in the Auxiliary Troops to the Commands of Her General, that She did not think fit immediately to pay the Arrears of those Forces, which had so obstinately withdrawn themselves from Her General, and marched without him towards *Landrecy*, as not apprehending her self obliged by any Conventions, or the Provision of any Act of Parliament, so to do. But whatever might be the Causes or Occasions of Her Majesty's Resentment, the said Earl saith, That he being in the Office of High Treasurer, under Her Majesty, could not, by the Duty of his Place, issue out any Monies, without a proper Warrant, or Authority from Her Majesty; and denies that he ever received any Warrant or Authority from Her Majesty, for issuing any Sum or Sums of Money, for, or towards the Pay or Subsidies, on account of the said Foreign Troops, who had so separated, without which, the issuing or directing any Monies for the Payment of them, had been a Violation of his Duty. And the said Earl denies, that he



## ANSWER.

he did at any time refuse or put a stop to any such Pay or Subsidies; but on the contrary, when the Ministers of the Princes, to whom those Forces belong'd, did apply for the Payment of the said Troops, the said Earl desired them to make Application to her Majesty, for the necessary Warrants in Order thereunto. And as the said Earl had no Notice of any Separation intended between her Majesty's Forces and those of the Allies, before the same was made, so he absolutely denies, that by his Advice or Counsel, or with his Privy, any such Separation was made: And humbly apprehends, That he ought not in Justice to be charged with any Consequences of it. He believes, that the Forces of some of the Allies were engaged in the unfortunate Action of *Denain*, and that the Siege of *Landreecy* was rais'd, and the Towns of *Quesnoy*, *Bouchain* and *Douay* were sometime after retaken by the *French Army*: But whether those Disasters might not have been prevented, by a Compliance with the Measures her Majesty had taken for the common Good, the said Earl submits to your Lordships.

## ARTICLE X.

That in further execution of his pernicious Designs, to compleat the Destruction of the Common Cause of *Europe*, and to render it impracticable for her Majesty to resume the War against *France*, in conjunction with Her Allies, or to recover the Union with Her Majesty's old and faithful Allies, so necessary to the Preservation of these Kingdoms; he the said *Robert* Earl of *Oxford* and Earl *Mortimer*, then Lord High Treasurer of *Great Britain*, did carry on and concert with the Ministers of *France*, a private and separate Negotiation for a General Suspension by Sea and Land, between *Great Britain* and *France*; and to that End, among others, did advise Her Majesty to send over *Henry* Visc. *Bolingbroke*, one of Her Principal Secretaries of State, to the Court of *France*, with Powers to settle the said Suspension. In pursuance of which, a destructive Treaty of Suspension was made in *France* on the nineteenth of *August*, N. S. One Thousand Seven Hundred and Twelve, by the said *Henry* Viscount *Bolingbroke*, on the part of Her said Majesty, for four Months, without the knowledge or any participation of the Allies, and before any Terms of Peace

## ANSWER X.

In answer to the Tenth Article, the said Earl denies, that he did carry on, or concert with the Ministers of *France*, a Private or Separate Negotiation for a general Suspension by Sea and Land, between *Great Britain* and *France*; or that he did advise Her Majesty to send over *Henry* Viscount *Bolingbroke* to the Court of *France*, with Powers to settle such Suspension; but hath been informed, and believes it may be true, That about the 19th of *August*, 1712. N. S. a Suspension of Arms was agreed on in *France*, by the said Viscount *Bolingbroke*, on her Majesty's Part for Four Months; but whether such Agreement was made without the Knowledge or Participation of her Majesty's Allies, or how far the Terms of Peace were then settled with *France*, either for *Great Britain* or the Allies, the said Earl is not able to set forth: But from the Informations he hath received of that Affair, believes it will appear, That the said Suspension was a Continuation only of a former Agreement for a Cessation of Arms, which had been not only communicated to the Allies, but into which they had been Invited; and believes, her Majesty might be induced to desire such Cessa-

## ARTICLES.

Peace were settled with the Enemy, either for *Great Britain* or the Allies. By which evil Counsels, the express Terms of several of the aforementioned Treaties were expressly contravened and broken, the good Friends and ancient Allies of Her Majesty and these Kingdoms were totally depriv'd of the just Assistance to which they were thereby entitled, and were left expos'd to the Insults of the Common Enemy; and the sacred Ties of Union and Friendship between Her Majesty and Her Allies being cut asunder, Her Majesty's Person and Government, the Safety of Her Kingdoms, and of the Protestant Succession to the Crown of these Realms, were left expos'd to the Enterprizes of Her most formidable Enemy,

## ANSWER.

Cessation, as what was usual among Princes and States in War, during Negotiations of Peace, by which means the *British* Merchants enjoy'd a free Trade, and had an opportunity of carrying the Merchandizes of other Countries to the several parts of *Europe*, as the *Dutch* had done during the War; and therefore the said Earl doth not conceive that her Majesty, by the said Suspension, did in the least intend the Violation of any Treaties between Her and Her Allies, or to deprive them of any Assistance to which they were Entitled, or to expose them to the Insults of the Common Enemy; Nor doth he discern how these Consequences could ensue, without the Default of the Allies themselves; much less how the Ties of Union and Friendship between her Majesty and them were cut asunder, or her Majesty's Person or Government, or the Safety of her Kingdoms, or the Protestant Succession, were expos'd thereby. But the said Earl assures himself, That he shall never stand Chargeable with any Consequences of such Suspension, which he never advis'd; nor did he the said Earl ever entertain the least Thought or Design of occasioning the Destruction of the Common Cause of *Europe*,



## ARTICLES.

## ANSWER.

or hindring her Majesty from resuming the War against *France*, in conjunction with her Allies, if it had been so thought fit, or of weakening the Union between her Majesty and Them.

## ARTICLE XI.

## ANSWER XI.

That whereas the States-General of the *United Provinces* were, in or about the Month of *September* or *October*, in the Year of our Lord One Thousand Seven Hundred and Twelve, in possession of the strong and important Town and Fortress of *Tournay*: And whereas the *French* King had, during the Course of the said private, separate, and traitorous Negotiation between him the said *Robert* Earl of *Oxford* and Earl *Mortimer*, and others, and the Ministers of *France*, signify'd his Consent to the Ministers of *Great Britain*, that the said Town and Fortress of *Tournay* should remain to the said States-General as part of their Barrier: And whereas Her Majesty, in Her Instructions of *December* the Twenty third, One Thousand Seven Hundred and Eleven, to Her Plenipotentiaries at *Utrecht*, had expressly directed them to insist with the Plenipotentiaries of *France*, in the General Congress, That towards

In answer to the Eleventh Article, the said Earl saith, he believes it to be true, That in or about the Month of *September* or *October* 1712, the States-General were in possession of the Town and Fortress of *Tournay*; and that her Majesty, in Her Instructions of *December* the 23d, 1711, to Her Plenipotentiaries at *Utrecht*, did direct them to insist with the Plenipotentiaries of *France*, in the General Congress, that towards forming a Barrier for the States-General, *Tournay* should remain to the States; and doth believe the *French* King did, at one time, incline thereunto: But doth not know that her Majesty, in her Speech, in the said Article mentioned, did declare her Self as in the said Article is set forth. The said Earl admits, That until and after the Months of *September* and *October* 1711, there was open War between her late Majesty and the *French* King; and that during such War, the *French*

## ARTICLES.

## ANSWER.

wards forming a sufficient Barrier for the States-General, *Tournay* should remain to their High Mightinesses; and did afterwards declare Herself conformably thereunto, in Her Speech to both Houses of Parliament, on the Sixth of *June*, One Thousand Seven Hundred and Twelve, in which she communicated to them the Terms whereon a Peace might be made. And whereas for several Years before, and till the said Months of *September* and *October*, in the Year of our Lord One Thousand Seven Hundred and Eleven, there was open War between Her late Majesty and the *French* King; and the said War continuing for all the said Time, and afterwards, the said *French* King and his Subjects were Enemies to Her Majesty: He the said *Robert* Earl of *Oxford* and Earl *Mortimer*, then Lord High Treasurer of *Great Britain*, and a Subject of Her Majesty's, not considering the Duty of his Allegiance, but having altogether withdrawn the cordial Love, and true and due Obedience, which every true and faithful Subject owed to Her said Majesty, and designing to give Aid and Succour, and to adhere to the said *French* King, did, in or about the Months of *September* or *October*, One Thousand Seven Hun-

*French* King and his Subjects were Enemies to the late Queen: But the said Earl hath been inform'd, and believes, That full Powers were given by her Majesty, and the States-General of the United Provinces, to their respective Ministers, and by the *French* King to his Ministers, to Negotiate and Treat of Peace between her Majesty, and the States-General, and the said *French* King; upon which Negotiations a Peace was afterwards concluded between them; during which Negotiations he hath heard, That the *French* King did insist upon the Yielding up the Town and Fortrefs of *Tournay*, by the States, to him; and the said States-General desir'd her Majesty's Interposition with the *French* King on their Behalf; and that at such request, her Majesty interpos'd Her best Offices on behalf of the States-General, and did at last prevail, that the said Town and Fortrefs of *Tournay* should be, and he believes the same is continued to the States-General, as part of their Barrier. But the said Earl absolutely denies, That he did design to give Aid, or Succour, or to Adhere to the *French* King; or, That he did in or about the Month of *October* 1712, or at any other time, during the said



## ARTICLES.

Hundred and Twelve, during the said War, falsely, maliciously, wickedly, and traitorously aid, help, and assist, and adhere to the *French* King, then an Enemy to Her late Majesty, against her said Majesty. And in execution and performance of his said aiding, assisting, and adhering, maliciously, falsely, and traitorously did counsel and advise the said Enemy, in what manner and by what methods the said important Town and Fortrefs of *Tournay*, then in possession of the States-General, might be gain'd from them to the *French* King, contrary to the Duty of his Allegiance, and the Laws and Statutes of this Realm.

## ANSWER.

said War, Aid, Help, Assist, or Adhere to the said *French* King; or, That he did ever Counsel or Advise the said Enemy in what Manner, or by what Methods the said Town and Fortrefs of *Tournay*, or either of them, might be gained from the States-General to the *French* King, in Manner and Form as in the said Article is charg'd. On the contrary, he the said Earl did use his best Offices to preserve the said Town and Fortrefs of *Tournay* to the States-General. But the said Earl saith, That during the Negotiations of the late Peace, he had the Honour to be One of Her said late Majesty's Privy-Council; and whatsoever Counsel or Advice he gave, relating to any Terms of the said Peace, he acted therein as a Privy-Counsellor and Minister of State, and no otherwise: And doth insist, That for any Privy-Counsellor, or Minister of State, during the Negotiations of Peace, to Treat, Advise, or Negotiate, concerning the Yielding or Giving-up any Town, Province or Dominion, upon the conclusion of the Peace, as part of the Terms and Conditions of such Peace, is not High Treason by the Laws of this Realm; and that such Construction might hereafter deprive the Crown of the Advice



## ARTICLES.

## ANSWER.

vice and Assistance of several Members of the Privy-Council, in Matters of the greatest Importance, by deterring them from giving such Advice as, by their Oaths, and the Duty of their Place, they are obliged to do; would overthrow all Means of restoring Amity between Princes, and render the Law, in Case of High Treason, uncertain, which by reason of its being most Penal, ought to be most Plain, and would be highly Dangerous and Destructive to the Lives and Liberties of the Subject.

## ARTICLE XII.

## ANSWER XII.

That whereas Her late Majesty Queen *Anne*, not only in pursuance of the Treaties she stood engaged in to Her good Allies, and in particular to his Imperial Majesty, for the Recovery of the Monarchy of *Spain* to the House of *Austria*, thereby to preserve a due Ballance of Power in *Europe*, but also from her just Resentment against the Duke of *Anjou*, who then stiled himself King of *Spain*, and who, in in Defiance of Her Majesty's Title to the Crown, had acknowledged the Pretender as King of *Great Britain*; and on these just Foundations Her Majesty had, in Vindication of

In answer to the Twelfth Article, the said Earl (not admitting that Her late Majesty Queen *ANNE* stood engaged by Treaties in manner as in the said Article is alledged, but referring himself to the Treaties, when they shall be produced) for Answer, denies, That he did, in any of the Years, 1710, 1711 and 1712, or at any other time Aid, Help, Assist, or adhere to the Duke of *Anjou*, in the said Article named, or Advise or Counsel any of the Enemies of her said late Majesty, or Concert with any of them, or promote the Yielding or Giving-up of *Spain* and the

## ARTICLES.

## ANSWER.

of the Honour of the Crown, and in Justice to Her People, at a vast Expence of Blood and Treasure, and on the earnest and repeated Advices of Her Parliament, prosecuted a vigorous War against the said Duke of *Anjou*: And whereas, in the Year of our Lord One Thousand Seven Hundred and Ten, One Thousand Seven Hundred and Eleven, and One Thousand Seven Hundred and Twelve, the said open, bloody, and expensive War was carried on between Her said late Majesty Queen *Anne*, and the said Duke of *Anjou*, and during all the time aforesaid the said War did continue, and for all that time the said Duke of *Anjou*, and the Subjects of *Spain* adhering to him, were Enemies of Her late Majesty; He the said *Robert* Earl of *Oxford* and Earl *Mortimer*, then Lord High Treasurer of *Great Britain*, and one of Her Majesty's Privy Council, and a Subject of Her said Majesty, not considering the Duty of his Allegiance, but having withdrawn his true Obedience from Her said late Majesty, did at several times, in the said Years of our Lord, One Thousand Seven Hundred and Ten, One Thousand Seven Hundred and Eleven, and One Thousand Seven Hundred and Twelve, falsely, maliciously, wickedly, and

the *West-Indies*, or any Part thereof to the said Duke of *Anjou*, in Manner and Form, as in the said Article is alleged. And the said Earl saith, as in his Answer to the Eleventh Article he hath already said, That during the Negotiations of the late Peace, he had the Honour to be One of Her said late Majesty's Privy-Council, and whatever Counsel or Advice he gave, relating to any Terms of the said Peace, he acted therein as a Privy-Counsellor, and Minister of State, and no otherwise; and Insists as in his Answer to the Eleventh Article he has Insisted.

ANSWER

## ARTICLES.

## ANSWER.

and traitorously, aid, help, assist, and adhere to the said Duke of *Anjou*, then an Enemy to her said late Majesty; and in the Execution and Performance of his said aiding, helping, assisting and adhering, and in Confederacy and Combination with the then Enemies of her late Majesty, and with divers other wicked and evil-disposed Persons, did, at several times, in the Years aforesaid, advise and counsel the Enemies of her late Majesty, and in such counselling and advising, did concert with them, and did promote the yielding and giving up *Spain* and the *West-Indies*, or some part thereof, to the said Duke of *Anjou*, then in Enmity with her Majesty, against the Duty of his Allegiance, and the Laws and Statutes of this Realm.

## ARTICLE XIII.

## ANSWER XIII.

That whereas the Riches, Power, and Strength of these Kingdoms depend entirely upon the flourishing Condition of Trade and Navigation, and her late Majesty Queen *Anne* having due regard thereto, as well as to the just Expectations of her People, after the vast Expences they had so cheerfully undergone in support of the War, did, on the first

In Answer to the Thirteenth Article, The said Earl admits that the flourishing Condition of Trade and Navigation contributes much to the Riches, Power, and Strength of these Kingdoms; and believes that her late Majesty had a just Regard thereto, and a sincere Desire to obtain some Advantages therein for her People; and did  
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## ARTICLES.

## ANSWER.

first opening the Conferences for a general Peace, declare from the Throne to both Houses of Parliament, on the seventh of *December*, One Thousand Seven Hundred and Eleven, *That she would endeavour that after a War, which had cost so much Blood and Treasure, the Nation might find their Interest in Trade and Commerce improv'd and enlarg'd by a Peace.* And on the Sixth of *June*, One Thousand Seven Hundred and Twelve, when she was pleased to communicate the Terms on which a General Peace might be made, did declare, *That nothing had moved her Majesty from steddily pursuing the true Interest of her own Kingdoms, and that the Terms of Peace obtained for her own Subjects were such, as she had reason to expect would make her People some amends for the great and unequal Burden which they had lain under, thro' the whole Course of the War, and hoped that none of the Confederates would envy her Share in the Glory and Advantage of the Peace; and afterwards declared to both Houses of Parliament her Satisfaction in the near View she had of Peace, since it would in some measure recompense her Subjects for their vast Expence:* And after the Conclusion

make the several Declarations from the Throne, set forth in this Article: And that both Houses of Parliament did from time to time express their grateful Acknowledgments to her Majesty, for her great Care and Concern for the Welfare of her People; and believes her Majesty might think it reasonable, considering the Share and Burthen she and her People had sustained in the War, that *France* should in the first place adjust the Interests of *Great Britain*, which were to be secured on the Conclusion of a General Peace: But the said Earl doth not know, or believe, that at the setting on foot, or in the Progress of any Negotiation, between the Ministers of *Great Britain* and *France*, it was laid down as a Principle, that *France* should in the first place consent to adjust the Interests of *Great Britain*, to the Intent that the Ministers of *Great Britain* might thereby be enabled to engage the Queen to make the Conclusion of the Peace easy to *France*; nor doth he know that any Concessions were made by the Ministers of *Great Britain*, with Intent to promote the Interests of *France* against the Allies; or that any Measures were entred into, or concerted between them, in order to strengthen

## ARTICLES.

sion of the Treaty of Peace and Commerce with *France*, did declare from the Throne on the Ninth of *April*, One Thousand Seven Hundred and Thirteen, *That the many Advantages she had obtain'd for her Subjects, had occasion'd much Opposition and long Delays to the Peace; but it afforded her great Satisfaction, that her People will have it in their power, by degrees, to repair what they had suffered during so long and burdensom a War.* Whereon both Houses of Parliament did from time to time express their grateful Acknowledgments to her Majesty for her great Care and Concern for the Welfare of her People. And whereas at the setting on foot, and in the progress of the said private, separate, and pernicious Negotiations between the Ministers of *Great Britain* and *France*, it was laid down as a Principle, on the part of *Great Britain*, never to be departed from, *That France should consent to adjust the Interests of Great Britain in the first place, that the Ministers of Great Britain might thereby be enabled to engage the Queen to make the Conclusion of the General Peace easy to France; and on this plausible Pretence it was insisted on by the Ministers of Great Britain, to remit the*

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## ANSWER.

strengthen the Hands of the *French*, or to enable them to impose the Terms of a General Peace. And the said Earl doth absolutely deny, That he was engaged in Concert with *France*, in any Negotiations destructive to his Country, or that he ever had the least Imagination or Thought tending that Way, or to the Sacrificing the Commerce of *Great Britain* to the Aggrandizement of *France*; but on the contrary he hath always had the most real and sincere Desires, to secure and advance the Commerce of *Great Britain*, and to preserve his Country, in whose Service he hath been always ready to Sacrifice-himself, and every private Interest whatsoever. And the said Earl is not conscious to himself of any Want of Duty, either in not insisting upon, or not procuring the most certain Securities that could be obtained for the Safety and Advantage of the Commerce of these Kingdoms. And the said Earl doth not admit, that he did advise her late Majesty, that any Proposition should be sent by Mr. Prior, to *France*; or that any private or separate Treaty, or the Preliminary Articles, which are said to be Sign'd the 27th of *September* 1711, should be Signed. But the said Earl hath been informed

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## ARTICLES.

Discussion of the particular Interests of the Allies to General Conferences; and throughout the whole Course of the said separate Negotiation, all imaginable Concessions were not only made by the Ministers of *Great Britain* for the real Advantage and Interests of *France* against the Allies, but all Measures were entred into and concerted between them, that even the Ministers of *France* could dictate, in order to strengthen their Hands, and to enable them to impose the Terms of a General Peace: He the said *Robert Earl of Oxford* and *Earl Mortimer*, having nothing in view, thro' the whole Course of the said Negotiation, wherein he was wickedly and principally engag'd in concert with *France*, but the final Destruction of his Country, and to that end the sacrificing the Commerce of *Great Britain* to the Aggrandisement of *France*, was not only wanting in his Duty to her Majesty, in not insisting on in all Events, and not procuring, in the first place, the most certain and strict Securities imaginable, for the Safety and Advantage of the Commerce of these Kingdoms; but did advise her late Majesty, that in the Propositions sent, by his Privy and Advice, by *Mr. Prior to France*,  
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## ANSWER.

med, and believes, that in a Paper intituled, *The Answer of France to the Demands of Great Britain*, more particularly, it is said, *That the entire Restitution of Newfoundland, and of the Bay and Streights of Hudson, was demanded for the English: And that the French King's Answer was, That the Discussion of that Article should be referred to the General Conferences of the Peace, provided the Liberty of fishing and drying of Codfish upon the Isle of Newfoundland should be reserved to the French.* And the said Earl conceives that Paper was not conclusive, but was to be the Subject of future Conferences, wherein the whole Matter might be entirely considered; and consequently that the entering into Conferences on that Paper was not the yielding to the *French* the Liberty of fishing, and drying Fish on *Newfoundland*, which they insisted on. And the said Earl denies, That he advised the Demands for *Great Britain*, in Point of Commerce, should be made in loose, general, or insufficient Terms; or that he advised the Liberties insisted on by the *French*, should be given up to *France*, as in the said Article is alleged: And he believes, that when it is consider'd what Advantages were likely to ensue  
to



## ARTICLES.

and also in the said private and separate Treaty, sign'd on the said Seven and Twentieth of September, One Thousand Seven Hundred and Eleven, wherein the Preliminary Demands for *Great Britain* more particularly were intended to be adjusted with *France*, the Demands for *Great Britain*, in point of Commerce, should not only be made in loose, general, and insufficient Terms, but that the Liberty of fishing, and drying of Fish on *Newfoundland*, should be expressly given up to *France*, tho' the Restitution of that small Part of the Island, which *France* had taken during the War, was therein referr'd to be discuss'd to General Conferences. And having, by his wicked Artifices, engaged her Majesty in the said private Treaty with *France*, without any Security for the Commerce of *Great Britain*, he did artfully and cunningly contrive with the Ministers of *France*, to keep in suspense all Matters that concern'd the Commerce of *Great Britain*, until by means of his wicked and pernicious Counsels aforementioned, *France* was become Master of the Negotiations, and the chief Advantages for the Commerce of *Great Britain* by that means remaining unsettled: And the Ministers of

## ANSWER.

to the Commerce of *Great Britain*, by the *Affiento* Contract, and the Liberty of Trading to the *Spanish West-Indies*, by the Cession of *Accadia*, the Bay and Streights of *Hudson*, the Island of *St. Christopher*, *Newfoundland*, the Island of *St. Peter*, with other adjacent Islands; by the Demolition of *Dunkirk*, and the Cession of *Port-Mahon* and *Gibraltar*, it will not be thought the Commerce of *Great-Britain* was neglected by her Majesty, in the late Treaties of Peace. And as the said Earl doth not know that *France* was at any Time Master of the Negotiations, so he denies that he did engage her Majesty in any private Treaties with *France*, without Security for the Commerce of *Great Britain*; or that he did contrive, with any of the Ministers of *France*, to keep in Suspence any Matters that concern'd the said Commerce, or that he was any ways instrumental in preventing any Advantages of the said Commerce from being settled, or endeavouring to elude any Thing that had been agreed on in any Negotiation for the Benefit of *Great Britain*. And altho' the said Earl doth not admit, that he advised the Ninth Article of the Treaty of Commerce with *France*, yet

## ARTICLES.

## ANSWER.

*France* afterwards disputing the most essential Articles which had been in agitation, and in particular, that fundamental Principle of treating and being treated as *Gens Amicissima*, and endeavouring to elude what had been agreed on in the said private and separate Negotiation, for the supposed Advantage of *Great Britain*; he the said *Robert Earl of Oxford* and *Earl Mortimer*, under pretence of removing a Difficulty then depending, by an Expedient advantageous to *Great Britain*, did treacherously advise the Ninth Article of the Treaty of Commerce with *France*, a Bill for the rendering whereof effectual, was afterwards rejected by the House of Commons, as highly prejudicial and destructive to the Commerce of these Kingdoms: But yet for the sake of gaining that destructive Article for *Great Britain*, as if the same had been advantageous, he the said *Robert Earl of Oxford* and *Earl Mortimer*, in defiance of the express provision of an Act of Parliament, as well as in contempt of the frequent and earnest Representations of the Merchants of *Great Britain*, and of the Commissioners for Trade and Plantations, did advise her Majesty finally to agree with *France*, That the Subjects of *France* should have liberty

yet he begs Leave to observe, that nothing is positively stipulated in that Article, but the whole is conditional, and left to be determined by the Wisdom of Parliament; and hopes it will never be thought an Act of Treachery, to refer any Article of any Treaty to the Judgment and Consideration of Parliament, whatever Judgment the Parliament shall think fit to make thereon. And the said Earl denies, that he advised her Majesty to agree with *France*, that the Subjects of *France* should have Liberty of Fishing, and Drying Fish on *Newfoundland*: But the said Earl believes, that what her late Majesty agreed with *France*, relating thereto, will not seem unreasonable, if it be considered, that the *French* long ago claimed Right to, and were in Possession of great Part of *Newfoundland*; and that they were allowed to continue in Possession thereof by the Crown of *England*, in a Treaty made at *Whitehall*, in the Year 1686; and in another Treaty made at *Ryswick*, in the Year 1697. And the said Earl doth not know that such Agreement of her Majesty is contrary to the express Provision of any Act of Parliament, since he presumes the Act made in the 10th and 11th Years of the Reign of



## ARTICLES.

liberty of fishing and drying Fish on *Newfoundland*; and did also advise her Majesty to make a Cession to *France* of the Isle of *Cape Breton*, with liberty to fortify the same, altho' the Isle of *Cape Breton* was part of the antient Territories of the Crown of *Great Britain*; and her Majesty had declar'd from the Throne, that *France* had consented to make an absolute Cession of *Nova Scotia* or *Accadia*, whereof *Cape Breton* is part, to her Majesty. And the said *Robert Earl of Oxford* and *Earl Mortimer*, intending in all Events to secure to *France* the Advantages relating to the Fishery of *Newfoundland* and to *Cape Breton*, did, in conjunction with the Ministers of *France*, advise her Majesty to consent, that the same should be made an Article in the Treaty of Peace between *Great Britain* and *France*: Whereas the only Advantages in Trade, pretended to be stipulated for *Great Britain*, being inserted in the Treaty of Commerce, were to depend on certain Conditions, to be made good by Act of Parliament; and pursuant to, and by the Influence of the said evil Counsel of him the said *Robert Earl of Oxford* and *Earl Mortimer*, her Sacred Majesty was advis'd to ratify the said Ar-

## ANSWER.

of King *William* the Third, intituled, *An Act to Encourage the Trade to Newfoundland*, cannot reasonably be intended, or construed to extend to any part of the Island, other than what was at the Time of making that Act in the Possession of the *English*. And the said Earl is informed, that at that time the part of *Newfoundland*, where the Subjects of *France* are, by the Treaty of *Utrecht*, allowed the Liberty of Fishing, and Drying Fish, was not in the Possession of the *English*. The said Earl denies, that he advised her Majesty to make a Cession to *France*, of the Isle of *Cape Breton*; or that he advised her Majesty to consent, that what is agreed in the Treaty of *Utrecht*, concerning the Fishery of *Newfoundland*, or *Cape Breton*, should be made an Article in that Treaty: However, the said Earl doth not know that *Cape Breton* was part of the Territories of the Crown of *Great Britain*; nor does he apprehend, that her Majesty, who in her Speech from the Throne declared, *That France had consented to make an absolute Cession of Annapolis, with the rest of Nova Scotia, or Accadia*, should be understood to speak of *Cape Breton*, which is no part of that Continent, but an Island



## ARTICLES.

## ANSWER.

Article in the said Treaty of Peace, and the said Treaty of Commerce. By means of which pernicious Counsels, the good Intentions of her Sacred Majesty, to have obtain'd for her People advantageous Terms of Commerce, were entirely frustrated, the Trade and Manufactures of *Great Britain*, as far as in him lay, render'd precarious, and at the mercy of the Enemy, and that beneficial Branch of Trade, always esteem'd the great Support of the Naval Power, and the chief Nursery of the Seamen of *Great Britain*, yielded up to the Subjects of *France*: And the only Pretence for the avow'd and notorious Violation of Treaties, and the carrying on the Measures of *France*, viz. the adjusting first the Interests of *Great Britain*, thro' the whole Course of the said private and separate Negotiations, terminated at last in the Sacrifice of the Commerce of *Great Britain* to *France*, without the least shadow of Advantage in Trade procur'd for these Kingdoms.

Island distinct from it. The said Earl further saith, he conceives, that the only Advantages in Trade, stipulated for *Great Britain*, did not depend on Conditions to be made good by Act of Parliament; on the contrary, he doubts not to make it appear, that many Advantages in Trade were stipulated for *Great Britain*, in the late Treaties of Peace and Commerce, which have been enjoyed by the Subjects of *Great Britain*, since the Conclusion of the said Treaties, notwithstanding the Parliament had not thought fit to make any Act to enforce the Ninth Article of the Treaty of Commerce with *France*. And the said Earl denies, that by his Counsels, the good Intentions of her Sacred Majesty, to have obtained for her People advantageous Terms of Commerce, were frustrated, or the Trade or Manufactures of *Great Britain* rendered precarious, or at the Mercy of the Enemy; or any beneficial Branch of Trade yielded up to the Subjects of *France*. And as the said Earl disowns the being concerned in any Violation of Treaties, or in carrying on the Measures of *France*, or in any Negotiation, which could terminate in the Sacrifice of the Commerce of *Great Britain*

## ARTICLES.

## ANSWER.

*Britain to France*; so he observes, with great Satisfaction, the flourishing Condition of the Trade and Navigation of these Kingdoms, since the Conclusion, and by Means of the late Peace, in the great Encrease of the Number and Tonnage of Shipping, of the Exportation of the Woollen Manufactures, the Fish, and other Produce of this Kingdom; in consequence whereof, the Customs have been greatly advanced, near Three Millions of Gold and Silver have been coined, and the Exchange has all along been in the favour of *England*, to and from all Parts of *Europe*.

## ARTICLE XIV.

## ANSWER XIV.

That he the said *Robert* Earl of *Oxford* and Earl *Mortimer* did, in Concert with other evil and false Counsellors, even without any Application from his Royal Highness the Duke of *Savoy*, and after the *French* King had, in the Course of the said private and separate Negotiations, consented that the Kingdom of *Sicily* should remain to the House of *Austria*, form a Project and Design to dispose of the Kingdom of *Sicily* to the Duke of *Savoy* from the House of *Austria*: And to effect that his unjust, dishonourable, and pernicious Project,

In Answer to the Fourteenth Article, The said Earl doth not admit that he form'd any Project, or Design, for disposing the Kingdom of *Sicily* to the Duke of *Savoy*, from the House of *Austria*; or that he did advise her Majesty to give any such Instructions to *Henry* Viscount *Bolingbroke*, as in the said Article mentioned, or to consent to any Treaty, wherein a Cession is made of the said Kingdom to his Royal Highness, without any Concurrence or Participation of his Imperial Majesty; nor doth he admit

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## ARTICLES.

## ANSWER.

ject, he did advise her Majesty to give Instructions, among other Things, to *Henry Viscount Bolingbroke*, then appointed her Ambassador to *France*, to demand in her Majesty's Name, of the *French King*, the Kingdom of *Sicily* for his said Royal Highness. And a Treaty of Peace being afterwards made between the *French King*, his Royal Highness, and the Duke of *Anjou*, wherein a Cession is made to his Royal Highness of the Kingdom of *Sicily*, without any Concurrence or Participation of his Imperial Majesty; he the said *Robert Earl of Oxford* and *Earl Mortimer* did basely and scandalously advise her sacred Majesty to consent to the same, by an Article inserted in the Treaty of Peace between her Majesty and the *French King*. And afterwards by his Privy and Advice, her Majesty was prevail'd on to assist his Royal Highness against the Emperor then in Alliance with her Majesty, with a part of her Royal Fleet at her own Expence, in order to put him in Possession of the said Kingdom of *Sicily*. Whereby the greatest Injustice was done to his Imperial Majesty, in direct Violation of the Grand Alliance, and contrary to her Majesty's frequent Declarations from the Throne, and

that her Majesty was prevail'd on, by his Advice, to assist his said Royal Highness with her Fleet against the Emperor, in order to obtain the Possession of that Kingdom. But in Justification of her Majesty's Proceedings, in relation to the said Kingdom, the said Earl doth beg leave to observe, that by the Grand Alliance, *It was agreed among other Things, that the Confederates should use their utmost Endeavours, to recover the Kingdom of Sicily out of the Hands of the Enemy; and that the principal Ends for endeavouring the Recovery of Sicily were, That his Imperial Majesty might have a reasonable Satisfaction for his Pretension to the Spanish Monarchy; and that the Trade and Navigation of the Subjects of Great Britain and Holland might thereby be better secured.* Since therefore the Empire, and Hereditary Countries of *Austria*, were now fallen upon *Charles the Third*, who at the time of that Treaty was a younger Branch of that House: Since several Towns in the *French Flanders*, which were not in the Possession of King *Charles the Second*, at the Time of his Death, together with *Spanish Flanders, Milan and Naples*, might seem a reasonable Satisfaction for his Imperial Majesty.



## ARTICLES.

and her plain and full Instructions to her Plenipotentiaries at *Utrecht*, for obtaining his just and reasonable Satisfaction ; and whereby National Faith, and the Honour of the Crown, was vilely betray'd, and the Naval Power of these Kingdoms, and the Supplies granted by Parliament for reducing the Common Enemy, were perfidiously employ'd against the Great and Faithful Ally of this Kingdom.

## ANSWER.

jeſty's Pretenſions to the *Spaniſh* Succeſſion: And ſince the Trade and Navigation of the Subjects of *Great Britain* and *Holland* would be as effectually ſecured by the Diſpoſition of the Kingdom of *Sicily* to the Duke of *Savoy*, as if the ſaid Kingdom had fallen to the Share of the Emperor: And greater Difficulties would be likely to ariſe, in obtaining the Diſpoſition thereof to the Houſe of *Auſtria*, than to that Duke, in as much as King *Philip* might be more eaſily induced to yield it to the Duke of *Savoy*, than to ſo Potent a Prince as the Emperor; and there were Grounds to believe that all, or moſt of the Princes and States of *Italy*, were ſo apprehenſive of the growing Power of the Houſe of *Auſtria* in *Italy*, that they would ſuffer any Extremities rather than ſubmit that *Sicily*, together with *Milan* and *Naples*, ſhould be in the Hands of the Emperor, the ſaid Earl doth not diſcern how any Project, to diſpoſe of the ſaid Kingdom to that Duke, could be thought unjuſt, diſhonourable, or pernicious, or an Act of Injuſtice to his Imperial Maſteſty, or Violation of the Grand Alliance: Nor doth the ſaid Earl remember in what reſpect it was contradictory

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## ANSWER.

to any Declaration of her Majesty, or the Instructions she had given her Plenipotentiaries : And in Case her Majesty thought fit afterwards to employ any Part of her Fleet to assist that Duke, her good and faithful Ally, to take Possession of that Kingdom from the Enemy, in Consideration of the said Duke's steady Adherence to the Confederacy, and great Sufferings by such Adherence ; he the said Earl is not able to discover why such Assistance might not be given to the said Duke, as well as to any other of her Allies whatsoever. And since it is allowed by this Article, that the then Duke of *Savoy* never made any Application, in order to obtain the said Kingdom for himself, it seems an Evidence at least, that the Person or Persons, who advised the late Queen to agree to such Allotment, did not act upon any private Interest, or had any other View than the Preservation of a Balance of Power in *Europe*, and the Security of the Trade and Navigation of the Subjects of *Great Britain* and *Holland* ; and cannot reasonably be thought, upon a fair and candid Interpretation, to have been guilty of betraying the National Faith or Honour of the Crown, or employing the  
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## ARTICLES.

## ANSWER.

Naval Power of these Kingdoms, or the Supplies granted by Parliament, against any Ally of this Kingdom.

## ARTICLE XV.

## ANSWER XV.

That whereas the Dignity and Support of the Imperial Crown of these Realms has, in all Ages, greatly depended on the Wisdom and Truth of the Communications made from the Throne, especially in Parliament, as the sure and only means whereby the Kings and Queens of this Realm can receive the sincere and faithful Advice of their People in Matters of the highest Importance, and which by the Fundamental Laws and Constitution of this Government ought to be inviolably observ'd as the Sacred Band of the Duty and Affection of Subjects to their Sovereign. And whereas by the most ancient and known Laws of this Kingdom, it is indispensably incumbent on the great Officers of State that surround the Throne, to maintain as far as in them lies the Sacredness of the Royal Word on all Occasions; it being most apparent, that the greatest Dishonour to the Throne, and the greatest Danger to these Kingdoms, must inevitably ensue, whenever that Fountain of Truth by  
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In Answer to the Fifteenth Article, the said Earl saith, he is and always was of Opinion, That the Word of the Sovereign is Sacred, and that all Communications from the Throne to Parliament ought to be True, and that it becomes all Ministers of State, as far as in them lies, to maintain the Honour of the Crown, in such Cases, with the utmost Exactness; nor doth the said Earl know, That he hath, at any Time, been defective in his Duty, in this Particular, or ever took upon himself any Arbitrary or Unwarrantable Authority, much less the chief Direction and Influence in her Majesty's Counsels: Nor did he ever prostitute the Honour of the Crown or Dignity of Parliament, by misrepresenting any part of the late Negotiations of Peace, to deceive either her Majesty, her Allies, her Parliament, or her People; nor did he ever Prepare, Form, Concert, or Advise her Majesty to make any Speech or Declaration, from the Throne, to her Parliament,



## ARTICLES.

wicked Counfels shall be in any Degree corrupted, and thereby lose its just Influence and necessary Authority. And whereas the Power of making Peace and War, one of the ancient, undoubted, and most important Prerogatives of the Crown, has been always exercis'd by the Sovereigns of these Realms, with the strictest Regard to the Honour of the Crown, and the Welfare of the People; and for that End, they have, in great Wisdom in all Ages, taken the Advice of Parliament on such weighty Occasions: And whereas Her late Majesty Queen *Anne* declared from the Throne her gracious Intentions to communicate the Terms of Peace to her Parliament, for their deliberate and serious Advice therein, wisely foreseeing that the Safety of her Person and Government, of the Protestant Succession to the Crown, which she had nearest her Heart, and of the Protestant Religion, and of the Liberties of *Europe*, did inevitably depend on the happy Conclusion of the said Negotiations: He the said *Robert Earl of Oxford* and *Earl Mortimer*, then Lord High Treasurer of *Great Britain*, having taken on himself throughout the said Negotiations a most Arbitrary and Unwarrantable

## ANSWER.

liament, that was not conformable to Truth. He believes her Majesty might make several Speeches, from the Throne, to her Parliament, at the several Times in the said Article mentioned, to which the said Earl refers; and particularly, That her Majesty did, on the 7th Day of *December 1711*, declare, *That Her Allies, especially the States-General, had, by their ready Compliance for opening the Treaty of a General Peace, express'd their Confidence in Her*; but the said Earl, not admitting there were such Representations as suggested in this Article, begs Leave, in Vindication of the Honour of his Royal Mistress, who was a Princess of strict Piety and Truth, to observe, That the States-General sent over *Monsieur Buys* to her Majesty, with Letters full of Assurances of their Respect for Her Person, and their Resolutions not to separate themselves from Her; and likewise signify'd by him, to Her Ministers, their readiness to concur with her Majesty. And the said *Monsieur Buys*, immediately upon his arrival at *London*, deliver'd Passports for the *French* Ministers to come to *Utrecht*; and at a meeting of several Lords of the Council, shew'd his Approbation of sending Circular Letters

## ARTICLES.

Authority, and the chief Direction and Influence in her Majesty's Councils; and most wickedly designing to prostitute the Honour of the Crown, and the Dignity of Parliaments, and not only totally to deprive her Majesty of the wholesome and necessary Advice of her Parliament in so great a Conjunction, but by misrepresenting the most essential Parts of the Negotiations of Peace, to obtain the Sanction of Parliament to his traitorous Proceeding, and thereby fatally to deceive her Majesty, her Allies, her Parliament, and her People; he the said *Robert Earl of Oxford* and *Earl Mortimer* was not only wanting in the Discharge of that Duty to his Sovereign which became his high Station, by not advising against, and as far as in him lay in all Events, by not preventing even any Intimation from the Throne to the Parliament, which was not conformable to the exactest Truth and Impartiality; but taking advantage of his ready Access to her Majesty, and his exorbitant Influence in her Councils, did prepare, form, and concert, together with other false and evil Counsellors, several Speeches and Declarations to be made by her Majesty from the Throne to her Parliament, on the Subject of the

## ANSWER.

Letters to invite the rest of the Allies to the General Congress: And the said *Monsieur Buys* exhibited full Powers for Preparing and Signing a new Treaty, whereby her Majesty and the States should be mutually engaged to each other in making War and Peace, to Guarantee the Peace when made, and to Invite the rest of the Allies into such Guaranty; all which Matters and Transactions being previous to the Seventh of *December 1711*, her Majesty might justly regard the aforesaid authentick Acts and Assurances, as greater Proofs of the Confidence the States had in Her, and of their Readiness to concur with Her, than any Representations or Reports before that Time; and that the said Declaration of her Majesty from the Throne, was founded upon the strictest Truth. And the said Earl believes, That every one who impartially considers the Steps taken in the late Negotiations of Peace, the Length of the Treaty, the several Letters from one of her Majesty's Principal Secretaries of State to Her Plenipotentiaries at *Utrecht*, the Ratification of the Engagement Sign'd by Her Ministers and *Monsieur Buys*, the 18th of *December 1711*, and Her exhorting the States



## ARTICLES.

## ANSWER.

the said Negotiations of Peace, and did advise her Majesty to make the same to her Parliament. And particularly, by means of his false and evil Counsels, her Majesty did, amongst other things, on the seventh of *December*, One Thousand Seven Hundred and Eleven, declare from the Throne in the Words, or to the effect following: *That notwithstanding the Arts of those who delight in War, both Place and Time are appointed for opening the Treaty of a General Peace. Our Allies, especially the States-General, whose Interest I look upon as inseparable from my own, have by their ready Concurrence express'd their Confidence in me.* Whereas it was then notorious to all *Europe*, and the said *Robert Earl of Oxford* and *Earl Mortimer*, and others his Accomplices, well knew, that the principal Allies of her Majesty, and particularly the *States-General*, then had in the strongest and most pressing manner represented not only to her Majesty's Ministers in *Holland*, but afterwards by a Minister of their own directly to her Majesty, the Insecurity and Danger to the Common Cause, by entering into General Negotiations with *France* on the Propositions sign'd by *Monsieur Mefnager*; and also their

States to Ratify the same; Her pressing Instances to the Princes and States of the Empire, and the many other Acts which were done by Her Majesty's Orders, during that Transaction, for the Service and Satisfaction of Her Allies, will readily acknowledge, That Her Majesty did Her utmost to procure for Her Allies, and in particular for his Imperial Majesty, all reasonable Satisfaction; and to Unite with them, in the strictest Engagements, to render the Peace Secure and Lasting, agreeable to her Speech of the said 7th Day of *December*, and Her Message of the 17th of *January* following, in this Article mentioned: And if by any extraordinary Demands, or groundless Jealousies of any of the Allies, or other Accidents, Her Majesty was not able to obtain for them all the Advantages She desired, this will not derogate from the Truth and Sincerity of Her Majesty's Expressions. And it is evident Her Majesty did procure them so great Satisfaction, that the Allies did all Sign the Peace at the same time with her Majesty, excepting only the Emperor; and even his Interests were so far adjusted, that what remained in Dispute, was



## ARTICLES.

their firm Opinion of the fatal Consequences that might ensue thereon : And altho' they had still great Apprehensions concerning the Method of opening the Conferences, and the Consequences that might happen thereupon ; yet being wrought on by the Menaces and other extraordinary Methods us'd with them by her Majesty's Ministers, and relying on the solemn Assurances and Declarations of her Majesty to support the Interest and Concern of their State, and to act in perfect Confidence and Harmony with them ; they did at last, with the greatest Reluctance, consent to enter upon a General Negotiation of Peace with *France*. And in the same Speech her Majesty was prevail'd upon by the evil Counsels of him the said *Robert Earl of Oxford* and *Earl Mortimer*, and others, to declare in the words, or to the effect following : *That the Princes and States which have been engag'd with us in this War, being by Treaties entitled to have their several Interests secur'd at a Peace ; I will not only do my utmost to procure every one of them all reasonable Satisfaction, but I shall also unite with them in the strictest Engagements for continuing the Alliance, in order to render the General Peace secure and lasting.*

## ANSWER.

was not thought of Consequence sufficient to delay so Great and Good a Work. And it is well known the Emperors of *Germany* have frequently declined signing their Treaties of Peace at the same time with their Allies : But that Her Majesty was induced, by any Influence of the said Earl, to enter into any Negotiation with *France*, exclusive of Her Allies ; or that the said Earl carry'd on any such Negotiation ; or that the Interest of the said Allies, or in particular of the Emperor, were, by any Practices of his, given up to *France*, he utterly denies. And when it is considered, That much *British* Blood and Treasure had been spent to recover *Spain* and the *West-Indies* from the House of *Bourbon*, that an Expensive War had for many Years continued, which Her Majesty still supply'd with new Recruits and redoubled Expence ; That Her Armies, and those of the Allies, had been beaten in *Spain* ; That Prince *Eugene* had declared, That Forty thousand Men, and Four Millions of Crowns *per Annum*, would be necessary for carrying on that War, and that his Master could supply no more than a Fourth Part of that Charge ; That it was

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## ARTICLES.

ing. And in her Message of the seventeenth of *January* following, her Majesty again expresses the Care she intended to take of all her Allies, and the strict Union in which she propos'd to join with them. Whereas by the evil influence of him the said *Robert Earl of Oxford* and *Earl Mortimer*, her Majesty was not only induced to enter into a private Negotiation with *France*, exclusive of her Allies; but the same was in like manner carry'd on by him the said *Robert Earl of Oxford* and *Earl Mortimer*, and others. And the several Interests which the Allies were intitled to by their Treaties, were not only not secured to them by the Peace, nor any reasonable Satisfaction given to them; but the main Interests of her principal Allies, especially of his Imperial Majesty, were by the wicked Practices of him the said *Robert Earl of Oxford* and *Earl Mortimer*, and others, given up to *France*; and no Engagements were obtained for continuing the Alliance, in order to render the general Peace secure and lasting. And her Majesty having on many former Occasions expressed her Resolutions *never to make Peace with France and Spain, so long as Spain and the West-Indies remained in the House of Bour-*

## ANSWER.

found by long Experience, how averse the People of *Spain* in general were to submit themselves to the House of *Austria*; That Her Majesty discerned the Charge of renewing the War in *Spain*, would be a Burthen too great for Her Subjects, and that there was little Probability of its being Successful; That the Hereditary Countries were then, by the Death of the Emperor *Joseph*, fallen to King *Charles*, who was soon after chosen Emperor (by which Event the Interest of the Princes and States of *Europe* were changed); it cannot be doubted but that Her late Majesty had, at the Time when she made the aforesaid Declaration, done Her utmost to recover *Spain* and the *West-Indies* by Force of Arms: And the most She could do afterwards, was by way of Negotiation, wherein She insisted with that Earnestness on King *Philip's* quitting *Spain*, that *France* comply'd with Her Majesty's Proposals: But when King *Philip* could not be prevailed on to give up *Spain*, Her Majesty thought his Renunciation of the Crown of *France*, as Circumstances then stood, the most practicable, if not the only Method left to prevent the Union of those two Monarchies.



## ARTICLES.

Bourbon, she was prevail'd upon by the Advice of him the said *Robert Earl of Oxford* and *Earl Mortimer*, and others, to declare her self, in answer to an Address of the House of Peers, the eleventh of *December*, One Thousand Seven Hundred and Eleven, to the effect following; viz. *I should be sorry any one could think I would not do my utmost to recover Spain and the Indies from the House of Bourbon*: Whereas it is most manifest, that the leaving the Kingdom of *Spain* and the *Indies* in the House of *Bourbon* was the Foundation of the private and separate Treaty between *Great Britain* and *France*, which had been before that time signed even with her Majesty's Consent; and the same Fundamental Resolution which was immutably observed between them to the Conclusion of the Peace. And her Majesty having frequently declared from the Throne, that her Resolutions in entering into the said Negotiations were to obtain a general, good, and lasting Peace; and the Plenipotentiaries at *Utrecht* being instructed to treat with *France* conformably to that end, he the said *Robert Earl of Oxford* and *Earl Mortimer*, in order to remove the just Suspicions which had been conceived of his private and separate Negotiations

## ANSWER.

narchies. But the said Earl doth not think it probable, That the leaving *Spain* and the *West-Indies* to the House of *Bourbon*, was the Foundation of the Preliminary Articles signed by *Monfieur Mesnager*, and of the Declaration annexed, which had been sign'd by the Lord *Dartmouth* and *Mr. St. John*, with Her Majesty's Consent (and which the said Earl supposes, is what is called the private Treaty in this Article) since he believes it was then thought more likely, that the Crown of *Spain* might fall to some other Prince. And the said Earl doth not observe, how Her Majesty can be charged with uttering any Falsity in Her Message of the 17th Day of *January*, wherein She takes Notice, *How groundless the Reports were, that had been spread of a separate Peace being Treated, for which Reports there was not then, nor at any other Time, the least Foundation; since only some few Points were adjusted, relating to the particular Interest of Her own Kingdoms, and even those were to have no Effect but upon the Conclusion of a General Peace, and were likewise, before such Conclusion, communicated to the Allies.* And the said Earl denies



## ARTICLES.

tiations with *France*, did advise her Majesty to make this further Declaration in her said Message the Seventeenth Day of *January*, *That the World will now see how groundless those Reports are which have been spread abroad by Men of evil Intentions to serve the worst Designs ; as if a separate Peace had been treated, for which there has not been the least Colour given : Whereas a private and separate Negotiation had been carried on for Five Months together between Great Britain and France ; and during that time private Propositions had been sent from England, and a private Treaty with a Minister of France signed, even by her Majesty's Privy, exclusive of all the Allies, before the said Declaration made by her Majesty. And private and separate Measures were thenceforth carried on by the said Robert Earl of Oxford and Earl Mortimer, and his Accomplices, on behalf of her Majesty, with the Ministers of France, even to the Conclusion of the Peace with France. Her Majesty was further prevailed on by the wicked Advice of him the said Robert Earl of Oxford and Earl Mortimer, in her Speech of June the Sixth, One Thousand Seven Hundred and Twelve, to declare, That to prevent the*  
*Union*

## ANSWER.

nies, that thenceforth, or at any time, there were carried on, by him, any Separate Measures with the Ministers of *France* ; nor doth he conceive, that the Proposal about the Renunciation was merely Speculative, but that it was of such a Nature as would execute it self, and keep the Crowns of *France* and *Spain* more effectually divided than ever ; if it be consider'd, That it did not consist only in a Renunciation to be made by *Philip*, then in the Possession of the Crown of *Spain*, of his contingent Right to that of *France* ; but that there was a Title to the Crown of *France* thereby given to the Duke of *Orleans*, and after him to the rest of the Princes of the House of *Bourbon*, who could not be presumed to want the Will, nor would be likely to want the Power, to take Possession of the Crown of *France*, by Virtue of such Title, in Opposition to a Prince at such a Distance, and who had solemnly renounced all his Pretensions to it. Nor can the said Earl think, the Declaration of any Minister of *France*, against such Expedient (if any such was made) a sufficient Ground for Her Majesty to decline it. The said Earl, there-

## ARTICLES.

*Union of the Two Crowns, she would not be content with what was Speculative, but insisted upon something Solid: And in the same Speech to the effect following, videlicet, The Nature of the Proposal for a Renunciation is such, that it executes it self, and France and Spain are thereby more effectually divided than ever: Whereas the Ministers of France had before that time assured the Ministers of her Majesty, That to accept of the Expedient proposed on her Majesty's behalf, would be to build on a sandy Foundation; and that the Renunciation would be null and void by the Fundamental Laws of France; and that they would deceive themselves, who accepted it as an Expedient to prevent the Union of the Two Crowns. And not only in the Particulars before-mentioned, but in many others contained in the said several Speeches and Messages made and sent to her Parliament, even while the said Negotiations of Peace with France were depending, the most essential Points relating to Peace and Commerce, and which concerned the Interest as well of the Allies as of Great Britain, were grossly misrepresented. By all which wicked, treacherous, and unexampled evil Counsels, he the said*

## ANSWER.

therefore, must beg leave to repeat, that he is not able to discover, from any thing that appears in those Speeches, that in the Particulars afore-mentioned, or any other, the essential Points relating to Peace and Commerce, or which concerned the Interests either of Her Allies or Great Britain, were misrepresented by Her Majesty; nor doth he know, or believe, That any Instance can be given, wherein he abused the Favour of his Royal Mistress, to whom he did always bear and pay the most sincere Veneration and Duty; or wherein he did mislead Her Parliament into any groundless or fatal Resolution, or prevented their Advice to Her Majesty, or obtained their Approbation to any dangerous Practices, or whereby Her Majesty could be ever deprived of the Confidence of Her Allies, or exposed to Contempt.

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## ARTICLES.

## ANSWER.

said *Robert* Earl of *Oxford* and Earl *Mortimer* did most basely, ungratefully, and scandalously abuse the Favour of his Royal Mistress, and by means of her Authority did mislead her Parliament into groundless and fatal Resolutions; and thereby not only prevented the just Advice of the Parliament to her Majesty in that critical Juncture, but obtained the Approbation of Parliament to his mysterious and dangerous Practices; and did not only deprive her Majesty of the Confidence and Affection of her Allies, but exposed her Majesty and her People to the Contempt of the Common Enemy.

## ARTICLE XVI.

## ANSWER XVI.

That whereas the said *Robert* Earl of *Oxford* and Earl *Mortimer* having on all Occasions used his utmost Endeavours to subvert the antient established Constitution of Parliaments, the great and only Security of the Prerogative of the Crown, and of the Rights, Liberties, and Properties of the People, and being most wickedly determined at one fatal Blow, as far as in him lay, to destroy the Freedom and Independency of the House of Lords, the great Ornament and nearest Support of the

In Answer to the Sixteenth Article, the said Earl doth insist, That by the Laws and Constitution of this Realm, it is the undoubted Right and Prerogative of the Sovereign, who is the Fountain of Honour, to Create Peers of this Realm, as well in Time of Parliament, as when there is no Parliament Sitting, or in Being; and that the Exercise of this Branch of the Prerogative is declared in the Form or Preamble of all Patents of Honour, to proceed *ex mero motu*, as an Act of mere Grace and



## ARTICLES.

the Imperial Crown of these Realms, and falsly intending to disguise his mischievous Purposes under a pretended Zeal for the Prerogative of the Crown ; he the said *Robert Earl of Oxford* and *Earl Mortimer*, on or about the Months of *December* or *January*, One Thousand Seven Hundred and Eleven, whilst the House of Lords were under an Adjournment, and had reason to expect that on their next Meeting Matters of the highest Importance would be communicated to them from the Throne, (they having some few Days before given their humble Opinion and Advice to her Majesty, *That no Peace could be Safe or Honourable to Great Britain or Europe, if Spain and the West-Indies were to be allotted to any Branch of the House of Bourbon*;) being then Lord High Treasurer of *Great Britain*, and of her Majesty's Privy Council, and assuming to himself an arbitrary Direction and Controul in her Majesty's Councils, contrary to his Duty and his Oath, and in Violation of the great Trust reposed in him, and with an immediate Purpose to render ineffectual the many earnest Representations of her Majesty's Allies against the said Negotiations of Peace, as well  
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## ANSWER.

and Favour ; and that such Acts are not done, as many other Acts of a publick Nature are, by and with the Advice of the Privy Council ; or as Acts of Pardon usually run, upon a favourable Representation of several Circumstances, or upon Reports from the Attorney General, or other Officers, that such Acts are lawful or expedient, or for the Safety or Advantage of the Crown ; but flows entirely from the Beneficent and Gracious Disposition of the Sovereign. He farther says, That neither the Warrants for Patents of Honour, the Bills or other Engrossments of such Patents are, at any time, communicated to the Council, or the Treasury, as several other Patents are ; and therefore the said Earl, either as High Treasurer or Privy Counsellor, could not have any Knowledge of the same : Nevertheless, if Her late Sacred Majesty had thought fit to acquaint him with Her most gracious Intentions of creating any Number of Peers of this Realm, and had asked his Opinion, Whether the Persons whom She then intended to Create, were Persons proper to have been promoted to that Dignity ? He does believe he should have highly approved  
Her

## ARTICLES.

as to prevent the good Effects of the said Advice of the House of Lords; and in order to obtain such future Resolutions of that House of Parliament on the important Subject of the Negotiations of Peace, as might shelter and promote his secret and unwarrantable Proceedings, together with other false and evil Counsellors, did advise her Majesty to make and create Twelve Peers of this Realm, and Lords of Parliament; and pursuant to his destructive Counsels, Letters Patents did forthwith pass, and Writs issued, whereby Twelve Peers were made and created: And did likewise advise her Majesty immediately to call and summon them to Parliament; which being done accordingly, they took their Seats in the House of Lords, on or about the Second of *January*, One Thousand Seven Hundred and Eleven, to which Day the House stood adjourned. Whereby the said *Robert* Earl of *Oxford* and Earl *Mortimer* did most highly abuse the Influence he then had with her Majesty, and prevailed on her to exercise in the most unprecedented and dangerous manner that valuable and undoubted Prerogative, which the Wisdom of the Laws and Constitution of this Kingdom hath

## ANSWER.

Her Majesty's Choice; and does not apprehend, that in so doing, he had been guilty of any Breach of his Duty, or Violation of the Trust in him reposed; Since they were all Persons of Honour and distinguished Merit, and the Peerage thereby was not greatly encreased, considering some of those Created would have been Peers by Descent, and many Titles of Honour were then lately extinct: And the said Earl believes, many Instances may be given, where this Prerogative hath been exercised by former Princes of this Realm in as extensive a manner; and particularly in the Reigns of King *Henry* the Eighth, King *James* the First, and his late Majesty King *William*. The said Earl begs Leave to add, That in the whole Course of his Life, he hath always loved the Established Constitution, and in his private Capacity, as well as in all publick Stations, when he had the Honour to be employed, has ever done his utmost to preserve it, and shall always continue so to do.

## ARTICLES.

## ANSWER.

hath entrusted with the Crown, for the rewarding signal Virtue and distinguished Merit ; and by which desperate Advice he did not only, as far as in him lay, deprive her Majesty of the Continuance of those seasonable and wholesome Counsels, in that critical Juncture, but wickedly perverted the true and only End of that great and useful Prerogative, to the Dishonour of the Crown, and the irreparable Mischief to the Constitution of Parliaments.

*First Additional Article.*

That whereas in or about the Month of *January*, in the Year 1710-11, a dangerous and destructive Expedition had been projected and set on foot, under pretence of making a Conquest on the Possessions of the *French King* in *North America*, but with a real Design to promote his Interests, by weakening the Confederate Army in *Flanders*, and dissipating the Naval Force of this Kingdom, as well as for the sake of the private Interests and corrupt Gain of the Promoters of the said Expedition, he the said *Robert Earl of Oxford* and *Earl Mortimer*, being then one of her late Majesty's Privy Council, and one of the Commissioners of her Majesty's Treasury,

*Answer to the First Additional Article.*

In Answer to the further Articles of Impeachment exhibited against the said Earl. As to the First of those Articles he saith, That he believes, in or about the Month of *January* 1710, an Expedition was projected, for making a Conquest of the City of *Quebeck*, on the River of *St. Laurence*, *Canada*, or other Possessions of the *French King* in *North America*; but denies that he advised Her Majesty either to consent to the making such Expedition, or to give Orders for detaching any Battalions of the Forces in Her Majesty's Service in *Flanders*, or to send any such Battalions, or any Squadron of Men of

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## ARTICLES.

fury, was not only wanting in his Duty to her late Majesty, by wilfully and industriously absenting from the Meetings of other Persons, then in high Trust under her Majesty, wherein the said Expedition was concerted, and by not advising her Majesty against, and doing what in him lay, to have prevented the putting the same in Execution, but did, contrary to his Oath, and the high Trust then reposed in him, advise her Majesty to consent to the making an Expedition for the conquering *Canada* and the City of *Quebeck* on the River of St. *Laurence* in *North America*; and in Execution of his said Evil Counsels, he did further advise her Majesty to give Orders for detaching several Battalions of the Forces, then in the Service of her Majesty, in conjunction with her Allies in *Flanders*, and to send the same with a large Squadron of Men of War on the said Enterprize; Altho' the said *Robert Earl of Oxford* and *Earl Mortimer* well knew, that the said Project or Expedition having been frequently deliberated on and maturely considered, a short time before, in a Committee of Council, was then laid aside as dangerous and impracticable. And a Demand being made at the Treasury, on or about the Months of  
*May*

## ANSWER.

War on the said Enterprize; but having heard that the said Project, or some Expedition of the like Nature, had been some time before considered in a Committee of Council, and afterwards laid aside for that time, and not being fully apprized of the whole Project, nor so well versed in the Affairs of that part of the World as others, who had more Opportunity of knowing them; and lest the Expedition might not at that time prove so feasible or advantageous as others of better Knowledge in those Matters than himself did expect, he did all that he apprehends his Duty required to prevent the putting the same in Execution, and expressed his Concern at it to some Persons about the Queen. And having so far shewn his Opinion of the said Design at that time, believes it would not have been thought proper for him to have appeared at the Meetings, where the Methods only of carrying on the Expedition were to be adjusted, of which Meetings there had been but few, before a Misfortune befel him, which confined him to his Bed. But the said Earl denies, that he knew the said Expedition was dangerous or destructive, nor did he hear that it was laid aside formerly

## ARTICLES.

*May or June 1711*, for the Sum of 28000 *l.* or thereabouts, on pretence of Arms and Merchandize said to be sent in the said Expedition to *Canada*, he the said *Robert Earl of Oxford* and *Earl Mortimer* being then Lord High Treasurer of *Great Britain*, and one of her Majesty's Privy Council, tho' he well knew, or had Reason to suspect, that the same was an unjust and exorbitant Demand, and a great Abuse on her Majesty and the Publick, and such as ought not to have been complied with, was not only wanting in his Duty to her Majesty, in not giving his humble Advice against the said Demand, or at least in not representing to her Majesty the Grounds of such his Suspicion, but did, contrary to his Oath and his Duty, advise her Majesty that the said Sums should be issued and paid, and did accordingly countersign a Warrant to the Paymaster of her Majesty's Forces for the Payment of the same, pursuant to which, the same was issued and received. And in further Violation of his Oath, his Duty and Trust, and with the most corrupt Design to prevent the Justice due to her Majesty and the Nation, he the said *Robert Earl of Oxford* and *Earl Mortimer*, being then Lord High Treasurer of  
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## ANSWER.

ly by a Committee of Council, as Dangerous or Impracticable, but only as improper in the Circumstances of Affairs *at that Time*; nor doth the said Earl know or believe the said Expedition was set on foot with any Design to promote the Interest of the *French King*, or to weaken the Confederate Army in *Flanders*, or to dissipate the Naval Forces of this Kingdom. And when others of Her Majesty's Council, better acquainted with that Affair, did judge it to be proper and practicable, he did not think it became him, upon the Strength of his own single Judgment, further to oppose an Expedition, which if it had succeeded, most certainly would have given a great and sensible Blow to the Settlements and Trade of *France*, in that part of the World. And the said Earl, with good Reason, is persuaded your Lordships will not think it unfit that Her Majesty should take the Opinion of those who better understood Affairs of that Nature; or, that your Lordships can judge the said Earl in that Respect to have been any way wanting in his Duty to Her Majesty; but hopes it will be rather an Evidence of his Fidelity to the Queen and his Country, that he so far dis-  
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## ARTICLES.

*Great Britain*, and exercising a most unexampled arbitrary Power, not only in her Majesty's private Councils, but extending his Evil Influences to the great Council of the Nation; after the said Expedition had proved unsuccessful, and it had been discovered to him the said *Robert Earl of Oxford* and *Earl Mortimer*, that the Nation had been cheated of above Twenty Thousand Pounds on that Account, did most ungratefully and corruptly employ his wicked Arts, and the Credit which he had gained, by his many false and crafty Insinuations and Practices, to keep the House of Commons from examining that Affair. And in or about the Month of *August*, 1714, in a Letter or Memorial, under his own Hand, to her late Majesty, he did Presume, not only to insinuate the ill Opinion, he therein pretended always to have had, of the said Expedition, but did declare the Suspicions he had of the great Injury and Abuse done to her Majesty and the Publick, in the Demand of the said 28000 *l.* even at the time when the same was made, and that the Publick had been cheated of above 20000 *l.* on that Account; and in the said Memorial did presume further to declare to her Majesty, *That*  
*he*

## ANSWER.

couraged what in his own Judgment he was diffident of; however he is satisfied, that those of Her Majesty's Council who did approve the Expedition, acted therein with a sincere Desire for the publick Good, notwithstanding the ill Success it was attended with, which might chiefly be owing to Delays by contrary Winds, and other unforeseen Accidents. And he doth not believe, that Her Majesty's Allies did suffer any Prejudice, or the common Enemy receive any Advantage by the detaching of Forces from *Flanders* to serve on this Enterprize; and is inform'd, that to prevent any such Danger, Her Majesty's General, who commanded at that time in *Flanders*, had Orders for providing other Forces in their Place, if he judged it necessary. And the said Earl doth acknowledge, that the Sum of Twenty eight thousand Pounds, or thereabouts, was demanded at the Treasury about *June* 1711, on Account of Arms, Accoutrements, Goods and Merchandize, said to be sent on the said Expedition to *Canada*; but he saith, that he was so far from advising Her late Majesty that the said Sum should be issued and paid, that on the contrary he put a Stop to the Pay-  
*ment*



## ARTICLES.

## ANSWER.

he was forced to use all his Skill and Credit to keep the House of Commons from examining that *Affair the last Parliament*; Thereby vainly, but most wickedly, recommending himself to the Continuance of her Majesty's Favour, by the Success of his most profligate Measures. By all which unparallel'd Corruptions, and most dangerous Counsels and Practices of him the said *Robert Earl of Oxford* and *Earl Mortimer*, the good and faithful Allies of her Majesty were deprived of the Aid of her Majesty's Troops to which they were entituled by their Conventions, and the Confederate Army in *Flanders* was greatly diminish'd, to the apparent Advantage of the Common Enemy: The Publick Money, granted by Parliament for reducing the Power of *France*, and which was expressly appropriated for other special Services, was arbitrarily and illegally misapplied and embezzled, and an heavy Debt incurr'd on the Nation, not only during the sitting of the Parliament, but even in contempt and defiance of a Representation made by the House of Commons to the Throne, even while the said Expedition was concerting: And whereby the highest Injustice was done, in suppressing an Enquiry, so just to her Majesty and her

ment of the same, until he had done all he could at that time to examine into the Expenditure of the said Money: But being then High Treasurer of *Great Britain*, and having received her Majesty's Orders to pay the said Sum, and not being able, with his utmost Precaution, then to discover any just Cause why it should not be paid; he did afterwards, in Obedience to those Orders, and according to the Duty of his Place, countersign a Warrant to the Paymaster of her Majesty's Forces for the Payment of the same, pursuant to which, he believes the same was issued and received. And as to that Part of the said Article, which charges the said Earl with employing his Arts or Credit to keep the House of Commons from examining that *Affair*; he begs leave to say, That (whatever Suspicions he might entertain in his own Mind) he did not upon Examination find, that there was sufficient Proof to justify the laying them before either House of Parliament. And altho' he hath been inform'd, that the Papers relating to that Expedition were laid before the last, and have been all along in the Power of the present House of Commons, yet he hath not heard, that any Fraud hath been made

## ARTICLES.

her People, and a lasting Reproach and Scandal brought on that House of Commons, of which he boasts, as having been wrought on by his corrupt Influence not to examine into so high and so scandalous an Abuse.

## ANSWER.

made out in that Affair, notwithstanding the Gentlemen, who had them under their Inspection, neither wanted Ability to make the utmost Discoveries, nor could be supposed to be prevented therein by any Influence of the said Earl; and he hopes it will not be imputed to him as a Fault if he had us'd any Skill or Credit to keep the House of Commons from examining this Affair, at that Juncture, when by an unseasonable Inquiry, before a proper Proof could be had, the Fraud, if any such there were, would be likely for ever to escape unpunish'd. But the said Earl denies, that he ever exercised, or had any arbitrary Power or Influence, either in her Majesty's private Council, or the Great Council of the Nation, or entertained any Design to prevent the Justice due to the Queen or the Nation, or that any Discovery had been made to him, further than what might give Suspicion to one that was always jealous, (as became him) of any Misapplication of the publick Treasure. And the said Earl saith, that he is not conscious, that by any Letter, or Memorial to Her Majesty, he hath acted contrary to his Duty: But humbly hopes he may be allowed to observe, that it would be a Matter of particular

## ARTICLES.

## ANSWER.

particular Hardship, and what seems to him inconsistent with the Rules of Government, and unprecedented, if the most secret and intimate Papers and Letters, wrote to that most renowned and pious Princess, her late Majesty, by her own special Command, and for her own private Perusal, should be imputed to any as a Crime; and if any Quotation, from any such Letter or Paper, could be alledged against the said Earl, he doubts not but there might appear from other of her Majesty's private Papers what would justify him in many Particulars, wherewith he is charged, and would give further Proof (if it were needful) how tender and affectionate her Majesty was to all her Subjects.

*Second Additional Article.*

That the said *Robert Earl of Oxford* and *Earl Mortimer*, not contented with the high Employments, and Places of Honour and Profit bestowed on him by her late Majesty, nor with the large and excessive Gains by him made by the Incomes and Profits of the said Employments, on or about the Month of *October 1711*. whilst the Nation was engaged in a most expensive War against  
*France*

*In Answer to the Second Additional Article.*

The said Earl doth admit, That about *October 1711*, Her late Majesty did sign a Warrant, directed to him, then her Treasurer of *Great Britain*, for the issuing and payment of the Sum of *13,000 l.* to *John Drummond, Esq;* in the Article named; and that on or about the *24th of November* following, in pursuance of the said Warrant, under her Majesty's



## ARTICLES.

*France and Spain*, for preserving the Ballance and Liberties of *Europe*, and greatly exhausted with the Supplies and Taxes for carrying on the same, and was under such heavy Debts as were impossible to be satisfy'd, without the utmost Frugality or laying grievous Taxes upon the Commons of *Great Britain*: Contrary to his Oath and his high Trust, and making a most dishonourable and ungrateful Use of the ready Access he had to her late Majesty, did prevail on and advise her Majesty to Sign a Warrant to himself, being then Lord High Treasurer of *Great Britain*, for the Issuing and Payment of the Sum of Thirteen Thousand Pounds to *John Drummond*, Esq; or his Assigns, for such Special Services relating to the War, as her Majesty had directed: And the said *Robert Earl of Oxford* and *Earl Mortimer* on or about the Twenty fourth of *November* following, in pursuance of the said Warrant under her Majesty's Sign Manual, did sign a Warrant for the Payment of the said Thirteen Thousand Pounds for such Special Services of the War, as her Majesty had directed; altho' no Special Services had been, or were at any time afterwards directed by her Majesty, to which the said Monies were

to

## ANSWER.

jefty's Sign Manual, he the said Earl did Sign a Warrant for the payment of the said 13,000 *l.* but for more Certainty, begs leave to refer to the said several Warrants, when the same shall be produc'd: And the said Earl takes the Words [*for Special Services of the War*] to have been inserted by Mistake of the Clerks; for he absolutely denies, That he gave any Direction for those Words, or any other of the like Import, to be inserted: And he believes all the Clerks of the Treasury know, that the Monies which arose from the Sale of Tin, were the Queen's proper Money, for the Support of her Household, and such Occasions as she should please to direct, and not appropriated to the Services of the War; altho' sometimes it hath been practis'd, that Loans have been taken upon Tin-Tallies, for the Services of the War, and other publick Services, and afterwards repaid to the Civil List, which might possibly give occasion for such Mistake. And the said Earl saith, That having been acquainted with the Services the said *Mr. Drummond* had perform'd, by Order of the late Earl of *Gedolphin*, in borrowing Money upon Tin at a low Interest, the said Earl ask'd *Mr. Drummond's*

## ARTICLES.

to be applied. And the said *Robert Earl of Oxford* and *Earl Mortimer*, having privately desired Leave of the said *Drummond* to strike some Tin-Tallies in his the said *Drummond's* Name, he did pursuant thereto, direct that Orders amounting to the Sum of Thirteen Thousand Pounds should be Charged in the Register of the Exchequer on the Monies arising by the Sale of Tin, in the Name of the said *John Drummond*; and tho' the same were accordingly struck in the Name of the said *Drummond*, in or about the Month of *November, 1711*. they were not deliver'd out to the said *Drummond*, but were kept in the Treasury Chamber, or else were in the Power or Custody of the said Earl, till about the end of *January* following; when the said *Drummond* having Occasion, as the said *Robert Earl of Oxford* and *Earl Mortimer* well knew, to go into *Holland*, at the Desire and Request of the said Earl, he indorsed his Name on the said Orders, and the same were left, by his Privy, Direction, or Consent, in the Hands of *Mr. John Taylour*, a Clerk of the Treasury; and the said *Robert Earl of Oxford* and *Earl Mortimer*, having afterwards got possession of the said Orders, did in or about the Month of

## ANSWER.

*mond's* Consent, that a Sum in Tin-Tallies might be struck in his Name, and with such Consent did direct, that Orders amounting to the Sum of 13,000 *l.* should be charged in the Register of the Exchequer, on the Monies arising by the Sale of Tin, in the Name of the said *Mr. Drummond*, who afterwards, before his going to *Holland*, endors'd the said Orders at the said Earl's Request, and left them in the Treasury; but how long it was before the said Orders were endors'd, or how long they remain'd afterwards in the Treasury, the said Earl doth not particularly remember; but doth acknowledge, that the said Orders and Tallies came afterwards to his own Hands, and were dispos'd for his own Use. But in order to lay the true State of this Affair before your Lordships, The said Earl humbly represents, that upon his first attending the late Queen, after his being wounded, her Majesty had the Goodness to tell him, That she design'd him a Sum of Money: Upon which he represented to her Majesty the bad Condition of the Civil List. But several times after her Majesty ask'd him, Why he did not find a way for receiving the Money she intended him, and bring the necessary

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## ARTICLES.

## ANSWER.

of *June*, 1712. send an Order in Writing to the said Mr. *Taylour* to deliver the said Tallies to a Servant of the said Earl, which was done accordingly, the said Indorsements not being at that Time filled up : And the said *Robert Earl of Oxford* and Earl *Mortimer*, having by these corrupt and scandalous Methods got the said Tallies and Orders into his own Hands, did afterwards fill up Assignments of the said Orders for Twelve thousand Pounds, part of the said Thirteen thousand Pounds to himself, and the remaining part to such other Persons as he thought fit ; and did afterwards in or about the Months of *August*, *October*, and *November*, 1713. at several times dispose of the said Orders and Tallies to his own private Use and Advantage. And to cover the said scandalous Embezzlements, he the said *Robert Earl of Oxford* and Earl *Mortimer* did afterwards, as he pretends, advise and prevail on Her Majesty, on or about the Fourteenth of *December*, 1713. to Sign a Warrant prepared by himself, wherein after the Recital of *His own good, faithful, and acceptable Services, which had tended to the Quiet, Safety, and Prosperity of her Majesty and her Realms, tho' accompanied with great Difficulties on himself, and Hazards to him*

Warrants for that purpose ? He still urg'd the same Reason against it, and for near Six Months made no Step in it, till at last her Majesty was pleas'd to say, She was resolv'd to have it done. And as her Majesty had, in Matters of her Bounty, made use of Tin-Tallies for other Persons, she was pleas'd to mention the same her self, and order'd proper Warrants to be prepar'd for the Sum, which her Majesty of her Royal Bounty intended him : That after her Majesty had so positively signify'd her Royal Pleasure, to bestow such Mark of her Favour upon the said Earl, the said Tallies and Orders were struck in Mr. *Drummond's* Name, with her Majesty's Knowledge, and at the said Earl's Nomination ; and from that time the same were kept under the said Earl's Direction, for his Use. And the said Earl was advis'd, that nothing further was requisite to be done, after the Assignment of the said Mr. *Drummond*, for securing the said Earl's Interest in the said Tallies, till an Accident happened, which made it necessary for further Security, to have the said Warrant as a Declaration of Trust, which was accordingly Sign'd by her Majesty, and is to the Effect following.



## ARTICLES.

## ANSWER.

and his Family; and that her Majesty was resolved to bestow upon him a Sum of ready Money. But the said Earl representing to her Majesty, that the Arrears then due to her Servants and Tradesmen were very great and pressing, her Majesty did therefore agree and determine that he should have, to his own Use, the said several Sums, amounting to Thirteen thousand Pounds comprized in the Orders aforesaid, It was directed that the said John Drummond should assign the said Orders, and the whole Right and Benefit thereof to the said Earl and his Assigns; altho' the said Earl had privately and clandestinely procured from the said Drummond an Assignment of the said Orders near two Years before the said Warrant, and had fraudulently and corruptly disposed and converted them to his own Use, without her Majesty's Privy or Consent, some time before her Majesty was prevailed on to Sign the said Warrant. And tho' the last mentioned Warrant, if any such there be, was not communicated to the said Drummond by the said Earl, during her Majesty's Life, nor was the same Counter sign'd nor Entered in the Treasury, yet he the said Robert Earl of Oxford and Earl Mortimer, even after his

ANNE R.

**W**HEREAS in the Year of Our Lord One Thousand Seven Hundred and Eleven, in Consideration of the many good, faithful, and acceptable Services which before that time had been performed unto Us, by Our Right Trusty and Right Well-beloved Cousin and Counsellor, Robert Earl of Oxford (then and now Our High Treasurer of Great Britain); Which Services have tended to the Quiet, Safety, and Prosperity of Us and Our Realms, though the same were Accompanied with great Difficulties upon himself, and Hazards to Him and his Family. And particularly Reflecting upon the Impious Attempt made upon his Life: We did then fully Resolve, as a particular Mark of Our Favour, and of Our Gracious Acceptance of the said Earl's Services, to bestow upon him a Sum in ready Money. But the said Earl representing to Us, That the Arrears then due to Our Servants and Tradesmen, chargeable upon Our Civil List, were very great and pressing,

We did therefore Agree and Determine, That the said Earl should have to his own Use, the several Sums amounting to Thirteen Thousand Pounds,

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## ARTICLES.

## ANSWER.

his said Corruption had been discovered in Parliament, did presume, without the Privy of the said *Drummond*, to send the said Warrant to the Commissioners of his Majesty's Treasury, desiring that the same might then have been entred in the Treasury; but the same was, with great Honour and Justice, refused to be so entred. By which most vile and scandalous Corruption, he the said *Robert Earl of Oxford* and *Earl Mortimer*, was guilty of the most notorious Breach of his Oath and Trust, as Lord High Treasurer of *Great Britain*, of the highest Abuse of her Majesty's Goodness, and Embezzlement of her Treasure, and of the greatest Injustice and Oppression of other her Majesty's Subjects.

*comprized in certain Orders of Loan bearing date, on, or about the Eleventh Day of December One Thousand Seven Hundred and Eleven, in your Name, and Charg'd upon the Register in Our Exchequer on the Monies arising by Sale of Our Tin, which Orders are not yet in Course of Payment.*

*Now We do hereby declare and make known, That the said several Sums amounting to Thirteen Thousand Pounds, contained in the said Orders, and the Interest thereof, due and to be due, are, and shall be the proper Monies of the said Earl of Oxford.*

*And We do hereby Direct and Authorize You to Transfer and Assign the said Orders, and the whole Right and Benefit thereof to the said Earl and his Assigns, or to such Person or Persons as he shall appoint in that behalf. And in case any of the Monies due, or to be due, or payable upon the said Orders shall come to your Hands; In such Case Our Pleasure is, that you forthwith pay over the same to the said Earl, his Executors, Administrators, or Assigns, to his and their own Use and behoof, without any Account to be therefore rendered to Us, Our Heirs, or Successors. And this Our Warrant, or an Attested Copy thereof, shall be your sufficient*

A R-

## ANSWER.

*ficient Warrant and Discharge  
for so doing.*

Given at Our Court at  
*Windsor-Castle* the Four-  
teenth Day of *December*,  
in the Twelfth Year of  
Our Reign, *Anno Dom.*  
1713.

*To Our Trusty and Well-beloved  
John Drummond, Esq;*

And the said Earl believes  
the said Warrant was drawn  
by Mr. *Lowndes*, Secretary to  
the Treasury, and by what  
means the same was omitted  
to be Entred in the Treasury,  
he knows not; but upon hear-  
ing there was a Discourse a-  
bout the said 13,000 *l.* in Tin  
Tallies, he sent a Copy of the  
Warrant to the Officers of the  
Treasury; without signifying  
any Desire to have the same  
Entred, well-knowing it re-  
ceiv'd its Authority from the  
Sign Manual, which wanted  
no additional force from any  
Entry thereof in the Treasury-  
Books. And the said Earl  
saith, That her Majesty was  
pleas'd, of Her mere Good-  
ness and Bounty, and of her  
Own free Will to give him  
the said Sum of Money, in  
Reward of his faithful Ser-  
vices, and for his Sufferings  
in Her Service. And the said  
Earl saith, That the said Grant,  
according



## ANSWER.

according to the Discount upon those Tallies at that time, amounted to the Sum of 10,000 *l.* or thereabouts, wherein he acknowledgeth the great Bounty of her Majesty, and takes notice, That Grants much larger have been made from the Crown, to other Ministers of State, while the Necessities of the Crown have been equally pressing. And the said Earl doth not know that in this, or any other part of his Administration, he ever was guilty of any Corruption, or any Breach of his Oath or Trust as High Treasurer of *Great Britain*; or that he did in any manner abuse her Majesty's Goodness, or make an ill Use of his access to her Majesty, or embezzle the publick Treasure; or did at any time, knowingly, injure or oppress her Majesty's Subjects; but on the contrary the said Earl saith, That he manag'd the publick Money in the most frugal manner, in order to lessen, as much as might be, the Charge of the War; and to Ease, if he could, the Commons of *Great Britain* from all grievous Taxes. And in further Vindication of himself, against all the imputation of Avarice or Corruption insinuated in this Article, the said Earl saith, That in every Employment, to which he was called

## ANSWER.

called by her Majesty's Favour, he was always contented with the accustomed Incomes and Profits of the said Employment, without endeavouring to increase his Gain by any unwarrantable or extraordinary Perquisites ; That whilst he was in any Office or Trust about Her late Majesty, he never abused that Trust in making any manner of Profit or Advantage to himself, either by the Disposal of Places in his own Gift, or by the Recommendation of Persons to Her Majesty for such as were granted immediately by Herself ; That neither in, nor out of Place, did he ever receive any Pension from the Crown ; That as he came with clean Hands into her Majesty's Service, so he went not only with clean but almost empty Hands out of it, having spent therein most part of the Profits which accru'd to him from the Places he enjoy'd ; so that at this time, notwithstanding all the Advantages he receiv'd from them, and the extraordinary Bounty of the Queen to him, in this Article mentioned, he can with great Truth affirm, that his private Fortune hath receiv'd very inconsiderable Addition thereby.

*Answer*

*Third Additional Article.*

That whereas by the established and known Laws of this Kingdom, the Allowances or Appointments for the Maintenance and Support of Ambassadors, Envoys, Plenipotentiaries, and other Publick Ministers of the Crown in Foreign Courts, ought to be ascertained in due Form of Law, as well in Honour as in Justice to the Imperial Crown of these Realms. And whereas the said *Robert Earl of Oxford* and *Earl Mortimer*, in or about the Month of *July* or *August*, 1712. sent *Mathew Prior*, Esq; an Instrument and Creature of his own, into *France*, for the carrying on his separate and dangerous Negotiations; and did afterwards in the Month of *November*, 1712. by his evil Counsels, prevail on her late Majesty, without the Privity of or any Communication with her Allies, to send the said *Mathew Prior*, as her Majesty's Plenipotentiary, to the *French King*, with Instructions to Treat and Conclude Matters of the highest Importance, relating to the general Negotiations of Peace: But the same was a treacherous and wicked Contrivance of him the said *Robert Earl of Oxford* and *Earl Mortimer*, for the more effectually carrying on and promoting his private,

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*Answer to the Third Additional Article.*

In Answer to the Third Additional Article, the said Earl says, that *Matthew Prior*, Esq; being employed by Her late Majesty at the Court of *France*, Warrants were sign'd in the usual Form for Payment of several Sums of Money to the said Mr. *Prior*, which he believes from the 27th of *August* 1712, to the 10th of *July* 1714, might amount to the Sum of Twelve thousand three hundred and sixty Pounds, as in the said Article is set forth; And he believes he did pay, or cause to be paid at several Times, the said Sums, pursuant to the Authority he had from Her late Majesty for that purpose, which he conceives was not only lawful, but a Duty incumbent on him. He further saith, That he doth not know that by any Law there ought to be certain Appointments or Allowances for the Maintenance and Support of Ambassadors, Envoys, Plenipotentiaries, or other publick Ministers of the Crown in foreign Courts; But that Her Majesty was at Liberty to vary such Appointments, and the manner of paying them, as She in Her Wisdom should think fit, out of any Funds appropriated to the Civil List.

He



## ARTICLES.

separate, and dangerous Practices with the Ministers of *France* and the Enemies of her Majesty and her Kingdoms; he the said *Robert Earl of Oxford* and *Earl Mortimer*, not regarding his Oath, or his high Trust, or the Laws of the Kingdom, did most corruptly and scandalously combine with the said *Matthew Prior* for the defrauding her Majesty of very great Sums, under the Colour of his said Employments in *France*; and to that end, the said Earl did contrive that the said *Prior* should be sent into *France*, with the Character aforesaid, but without any settled Appointments and Allowances: But in the stead and lieu thereof, he the said *Robert Earl of Oxford* and *Earl Mortimer* did give the said *Matthew Prior* an unlimited Credit, and did promise to answer, and pay such Bills as the said *Prior* should draw on him during his Residence in *France*; Pursuant to which Contrivance and corrupt Agreement, he the said *Matthew Prior* did between the 27th of *August*, in the Year One Thousand Seven Hundred and Twelve, New Stile, and the Tenth of *July*, One Thousand Seven Hundred and Fourteen, or thereabouts, at several times draw Bills of Exchange, to the amount of Twelve thousand  
Three

## ANSWER.

He does believe, that there are several Instances, where Persons employed to negotiate Matters of Importance, as Ambassadors or Plenipotentiaries, have been allowed One thousand five hundred Pounds for their Equipage; One hundred Pounds a Week for their ordinary Entertainment, and One thousand six hundred Pounds for Extraordinaries, and likewise further Sums for Services performed by special Order: And if the said Mr. *Prior* had been paid upon that Foot, he would have been entitled to a greater Sum from the Crown, for the time wherein he was employed by Her Majesty, as aforesaid, over and above all Disbursements for special Services. And the said Earl saith, that he takes the said *Matthew Prior* to have been sent by Her Majesty into *France* for Her Majesty's Service, and in order to carry on the Negotiations of a General Peace; but denies, that he was any Creature of him the said Earl, or sent by the said Earl into *France*, or that he carry'd on any Negotiations of the said Earl, or that Her Majesty was prevailed on by his Counsels to send the said *Matthew Prior* as Her Plenipotentiary to the *French King*, without the Privy of or any Com-  
P                      munication

## ARTICLES.

## ANSWER.

Three hundred and sixty Pounds, or thereabouts, on him the said *Robert Earl of Oxford* and *Earl Mortimer*, which, he being then Lord High Treasurer of *Great Britain*, did advise and prevail upon her Majesty to Sign Warrants for the Payment of, and did Counterfign the same, altho' the said *Prior* was no way intituled to any such Allowances by reason of his said Employment, and the same greatly exceeded the Allowance even of an Ambassador of the Crown of *Great Britain*. And the said *Robert Earl of Oxford* and *Earl Mortimer*, did in the Years One thousand seven hundred and twelve, One thousand seven hundred and thirteen, and One thousand seven hundred and fourteen, without any Colour of Authority, but for the further promoting his corrupt and wicked Purposes, prevail on and advise her Majesty to sign Warrants, which were countersign'd by himself for the Payment of the Sum of Five thousand Five hundred and sixty Pounds, or thereabouts, to the Use of *Thomas Harley*, Esq; a near Relation and Emissary of him the said *Robert Earl of Oxford* and *Earl Mortimer*, out of the Monies appropriated to the Use of her Majesty's Civil List: And did in like manner, at several times in the Years

munication with Her Allies, or that the said Earl used the least Contrivance for carrying on, or did carry on or promote any dangerous Practices with the Ministers of *France*, or the Enemies of Her Majesty, or Her Kingdoms, or that he did at any time combine with the said *Matthew Prior* to defraud Her Majesty of any Sum of Money whatsoever, under Colour of his Employment; or that the said *Matthew Prior* was sent into *France* with the Character aforesaid, or without any settled Appointment or Allowance for any such End; or that he the said Earl did give the said *Matthew Prior* an unlimited Credit, or promised to pay him any Bills whatsoever, other than what he should be duly authorised to pay; or that any Bills of Exchange, in the said Article mentioned, were drawn in pursuance of any such Contrivance. The said Earl saith, That *Thomas Harley*, Esq; having been twice sent by Her late Majesty to the Court of *Hanover*, he the said Earl, being then High Treasurer of *Great Britain*, paid or caused to be paid to the said Mr. *Harley* the Sum of Five thousand five hundred and sixty Pounds, or thereabouts, by Authority from Her Majesty, and



## ARTICLES.

Years aforesaid, most illegally, fraudulently, and corruptly Issue, or Direct, or Advise the Direction, and Payment of several other large Sums of Money to other Persons, out of her Majesty's Treasury : By which most illegal and scandalous Management, he the said *Robert Earl of Oxford* and *Earl Mortimer* has introduced a Practice highly prejudicial to, and utterly inconsistent with the Constitution of this Kingdom, and of the most pernicious Consequence, by opening a way for the most dangerous Corruptions ; and was not only guilty of a notorious Breach of his Oath, but entered into the most base and scandalous Combination with the Persons above-mentioned, and others, under Pretence and Colour of promoting her Majesty's Service, to defraud her Majesty of the Publick Money, which he was intrusted with the Management of, for the Support of the Honour and Dignity of the Crown.

*Fourth Additional Article.*

That whereas the Revenues arising to the Crown from the hereditary Excise and Post-Office, or some Parts thereof, were, by Virtue of Letters Patents of the late King  
*James*

## ANSWER.

and according to the Duty of his Office, out of Monies appropriated to the Use of the Civil List. And he believes, that if Mr. *Harley* had received an Allowance in Proportion to what hath been paid to Ambassadors, it would have amounted to a greater Sum. But denies, that the said Sum of Five thousand five hundred and sixty Pounds, or any Part of it, was paid without Authority, or for promoting any wicked Purposes of the said Earl, or that he did either illegally or fraudulently issue, or direct, or advise the Direction or Payment of any Sum or Sums of Money out of Her Majesty's Treasury, to any Person whatsoever, or that he ever entered into any Combination with the Persons above-mentioned, or any other Person whatsoever, to defraud Her Majesty of any of the publick Money which he was intrusted with the Management of.

*Answer to the Fourth Additional Article.*

In Answer to the Fourth Additional Article, the said Earl denies, That he ever held any Correspondence with *Mary*, the late Consort of the late  
P 2 King



## ARTICLES.

## ANSWER.

*James II.* charged with and made liable to certain Annuities or Yearly Sums, in Trust for, or to the Use of *Mary*, the Consort of the said King *James II.* but the said Revenues were afterwards, by several Acts of Parliaments, granted and settled for the Support of the Royal Household, and of the Honour and Dignity of the Crown; or for other publick Uses, without any saving or exception of the said Letters Patents. And whereas by an Act made in the Twelfth Year of her late Majesty's Reign, the Sum of Five hundred thousand Pounds was granted to her late Majesty for the Discharge of divers Arrears of Salaries, Diet-Monies, and other Allowances, and sundry Debts for Pre-emptions, Provisions, and other Causes, which had been then incurred and grown due to her late Majesty's Servants, Tradesmen, and others, and were occasioned by several extraordinary Expences since the Act for the better Support of her Majesty's Household, and of the Honour and Dignity of the Crown. And the said Sum of Five hundred thousand Pounds was expressly appropriated to the Uses afore-mentioned, in Aid of the said Revenues or Branches which were appointed

King *James II.* either by the Means of *Mr. Prior*, or by any other Means whatsoever, or that he ever intended, or had the least Design any way to promote the Interest of the *Pretender*; nor doth the said Earl know or believe, that *Monsieur Gaultier*, in the said Article named, was entrusted or employed as an Agent between any of the Ministers of *Great Britain* and *France*, in transacting any Affairs relating to the *Pretender*; and denies, that he the said Earl had any Conferences with him the said *M. Gaultier* on that Subject: Nor doth the said Earl know or believe, that he the said *M. Gaultier* was empowered to concert with him the said Earl, particularly the settling any Payment or Remittance of the Annuities hereafter-mentioned, or any other yearly Sum to be paid or remitted out of Her Majesty's Treasury into *France*: Neither had the said Earl the least Design, that any of the Fruits or Advantages of the Peace should be made an Offering to any Adherent of the *Pretender*; nor did he agree or undertake to procure the Payment of the yearly Sum of Forty seven thousand Pounds, or any other yearly Sum, to the Use of the said late Consort, during her Life. But

## ARTICLES.

## ANSWER.

pointed for the Support of her Majesty's Household, and of the Honour and Dignity of the Crown. And whereas by an Act made in the Thirteenth and Fourteenth Years of his late Majesty King *William III.* it was Enacted, (for preventing Traitorous Correspondence between his Majesty's Subjects and the pretended Prince of *Wales*, or his Adherents) ' That if any of the  
 ' Subjects of the Crown of  
 ' *England*, from and after the  
 ' first Day of *March*, 1701.  
 ' should within this Realm or  
 ' without, hold, entertain, or  
 ' keep any Intelligence or  
 ' Correspondence in Person,  
 ' or by Letters, Messages, or  
 ' otherwise, with the said pretended Prince of *Wales*, or  
 ' with any Person or Persons  
 ' employed by him, knowing  
 ' such Persons to be so employed, or should by Bill  
 ' of Exchange, or otherwise,  
 ' remit or pay any Sum or  
 ' Sums of Money for the  
 ' Use or Service of the said  
 ' pretended Prince of *Wales*,  
 ' knowing such Money to be  
 ' for such Use or Service,  
 ' such Person so offending  
 ' being lawfully convicted,  
 ' should be taken, deemed, and  
 ' adjudged to be guilty of  
 ' High Treason, and shall suffer and forfeit as in Cases  
 ' of

But the said Earl doth admit, that the late King *James II.* by Letters Patents under the Great Seal of *England*, bearing Date, on, or about the 28th Day of *August*, in the Year 1685, granted unto *Lawrence* Earl of *Rocheſter*, *Henry* Earl of *Peterborough*, *Sidney* Lord *Godolphin*, *Robert Worden*, Esq; and Sir *Edward Herbert*, Kt. (who are all since deceased) divers Annuities or yearly Sums of Money, amounting to Thirty seven thousand three hundred twenty eight Pounds, thirteen Shillings and seven Pence, payable out of the Hereditary Duty of Excise, and the Post-Office, and other Revenues in the said Letters Patents mentioned, to hold to them, and their Heirs, during the Life of the said Consort, in Trust for her : And by other Letters Patents, bearing Date, on or about the Third Day of *December*, in the Year 1686, also granted unto the said Consort a further Pension, or yearly Sum of Ten thousand Pounds, to hold during her natural Life ; whereby the said Revenues arising from the Hereditary Excise and Post-Office, and other the Revenues in the said Letters Patents mentioned, became charged with, and were liable to the said Annuities or yearly Sums,



## ARTICLES.

‘ of High Treason.’ He the said *Robert Earl of Oxford* and *Earl Mortimer*, having by the means of the said *Matthew Prior*, held a private and unlawful Correspondence with the said Consort of the late King *James II.* then residing in *France*, and being determined secretly to promote, as far as in him lay, the Interest of the Pretender, but yet contriving to avoid the said Penalty of High Treason: And the said Consort of his late Majesty King *James II.* having empower’d *Abbot Gaultier* ( a Popish Priest, and busy Emissary between *Great Britain* and *France*, during the said private and separate Negotiations of Peace, and who was particularly entrusted as the common Agent between the Ministers of *Great Britain* and *France*, in transacting the most secret Affairs relating to the Pretender ) to concert with the said *Robert Earl of Oxford* and *Earl Mortimer* the settling the Payment and Remittance of a very great Yearly Sum out of her Majesty’s Treasure into *France*, under colour and pretence of the said Letters Patents; and the said *Robert Earl of Oxford* and *Earl Mortimer*, having held frequent clandestine Conferences with the said *Abbot Gaultier*

## ANSWER.

Sums, as in this Article is mention’d. And the said Earl doth admit, that the said Revenues were by several Acts of Parliament granted and settled, during the Life of his late Majesty King *William the Third*, for the Use and Service of his Household and Family, and for other his necessary Expences and Occasions; and after his Demise, during the Life of Her late Majesty Queen *ANNE*, were appointed to be for the Support of Her Household, and of the Honour and Dignity of the Crown; but saith, that in the same Act of Parliament, whereby the said Revenues are so appointed, there is a general Saving to all and every Person and Persons of all such Rights, Titles, Estates, Interests, Claims and Demands whatsoever, of, in, or to, or out of the said Revenues and Hereditaments, or any of them, as they, or any of them, had, or ought to have had, before the making the said Act, as fully, to all Intents and Purposes, as if the said Act had never been made. And the said Earl doth admit, that an Act of Parliament was made in the Twelfth Year of Her late Majesty’s Reign, whereby the Sum of Five hundred thousand Pounds,



## ARTICLES.

## ANSWER.

tier on the Subject aforesaid, and having, by his evil Counsels, sacrificed to *France*, the common Interests of *Europe*; and being resolved that the first Fruits of the Peace with *France*, should be an Offering made, by his immediate Procurement, to the nearest and most avowed Adherent of the Pretender, tho' at the great Expence of the Honour and Safety of her Majesty and her People, did soon after the Conclusion of the Peace with *France*, agree and undertake to procure the Payment of the Yearly Sum of Forty Seven thousand Pounds and upwards, to or for the Use of the said Consort, during her Life; and in execution of his said Purpose, did afterwards, on or about the 23d of *December*, 1713. being then Lord High Treasurer of *Great Britain*, and of her Majesty's Privy Council, advise her late Majesty to Sign a Warrant to himself, in the Words or to the Effect following, viz. Anne R. *Whereas our late Royal Father King James the Second, by Letters Patents under his Great Seal, bearing date, on or about the 28th Day of August, 1685. did Grant unto Lawrence Earl of Rochester, Henry Earl of Peterborough, Sidney Lord Godolphin, Robert Worden, Esq;* and

Pounds, for the Causes therein-mentioned, was to be applied in Aid of the Revenues or Branches which were appointed for the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown, for, or towards the paying and discharging such Arrears of Salaries, Wages, Diet-Money, and other Allowances, and such Debts for Emptions, Provisions, and other Causes, as should appear to be due and owing to Her Majesty's Servants, Tradesmen and others. But the said Earl saith, he hath heard, that the said late Consort of the late King *James II.* esteeming herself to be entitled by the Laws of *England*, by Virtue of the said Letters Patents, to the several yearly Sums of Money therein-mentioned, did by Letter of Attorney impower and authorize the said *M. Gaultier* to demand and receive for her only Use, Benefit and Behoof, all Sums of Money which, from and after the Feast of the *Annunciation* of the Blessed Virgin *Mary*, 1713, were become due and payable upon the said several Annuities, amounting to Thirty seven thousand three hundred twenty eight Pounds, thirteen Shillings and seven Pence, and the other Annuity or yearly Sum of Ten thousand Pounds,

## ARTICLES.

## ANSWER.

and Sir Edward Herbert, Knt. (who are all since deceas'd) divers Annuities, or Yearly Sums, amounting to Thirty seven thousand three hundred and twenty eight Pounds, Thirteen Shillings, and Seven Pence, to hold to them and their Heirs, during the Life of his then Royal Consort, Mary, now Queen Dowager, in Trust for her; and by other Letters Patents, bearing date on or about the 3d Day of December, 1686. did also Grant unto the said Queen, a farther Pension or Yearly Sum of Ten thousand Pounds to hold during her natural Life, all which were made payable in such manner as in the said several Letters Patents is more fully exprest. Our Will and Pleasure now is, and we do hereby Direct, Authorize and Command, that you cause Payment to be made to the Heirs of such of the said Trustees as was the longest Liver of them, of so much as since the 25th Day of March last, 1713. is incurred or grown due on the said Annuities or Yearly Sums, amounting to Thirty seven thousand, three hundred twenty eight Pounds, Thirteen Shillings and Seven Pence; and to the said Queen Dowager or her Assigns, of so much as since the said 25th day of March last, is incurred or grown due on the said Annuity, of Ten  
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Pounds, and to give Acquittances and Discharges for the Monies he should so receive to her only Use and Behoof, as aforesaid; and that thereupon he the said M. Gaultier applied himself to Her Majesty for the Payment of the Monies which were incurred or grown due on the said several Annuities, from the said 25th Day of March 1713, and that Her Majesty was pleased to sign a Warrant, directed to him the said Earl, being then Her Majesty's High Treasurer, or to the High Treasurer, or Commissioners of the Treasury for the Time being, in the Words, or to the Effect in the said Article set forth; but for more Certainty refers himself to the said Warrant, when the same shall be produced. And that in Obedience to Her Majesty's Commands, signified by the said Warrant, he the said Earl did direct two several Warrants to the Auditor of the Receipt of the Exchequer, to the Effect in the said Article set forth; but for more Certainty refers to the said several Warrants when the same shall be produced. But he denies he advised Her Majesty to sign the said Warrant of the 23d. of December 1713; but when such Warrant was brought to him, and he knew that the Jointure of  
the



## ARTICLES.

*Thousand Pounds, according to the purport of the several Grants, or Letters Patents above recited, as also of what hereafter shall become due and payable upon the said several Annuities Quarterly, during the Life of the said Queen Dowager, and for so doing, this shall be your Warrant. Given at our Court at Windsor-Castle, the Twenty third Day of December, One Thousand Seven Hundred and Thirteen, in the Twelfth Year of our Reign. And did, afterwards, on or about the Twenty fourth of December following, Sign a Warrant to the Auditor of the Receipt of her Majesty's Exchequer, requiring him to make and pass Debentures for paying to 'such Person or Persons as, is, are, or shall be 'authorized to receive the 'same, the Sum of Nine 'thousand three hundred thirty two Pounds, Three Shillings and Four Pence Three Farthings, for one Quarter, 'incurred upon the said several Yearly Sums therein 'mentioned, from Lady-Day '1713. to Midsummer following, and appointed the 'same to be satisfied out of 'the Sum of Five Hundred 'Thousand Pounds, appropriated by an Act passed the 'then last Session of Parliament, for or towards pay-*  
*ment*

## ANSWER.

the said Consort had been confirmed by Act of Parliament, and had heard, that by some private Article or Agreement at the Treaty of *Ryswick*, Provision had been made in relation to it; and the Legality of the Demand not being doubted by Her Majesty's Council learned in the Law, the said Earl thought it his Duty to pay Obedience to it. And the Sum of Five hundred thousand Pounds intended to be raised by the said Act of the 12th Year of Her Majesty's Reign, together with a great additional Sum in Tallies, being designed for discharge of Her Majesty's Debts, the said Earl thought himself sufficiently authorized to direct that the said Sum of Money, mentioned in the said Warrants, which he was advised was a Debt from Her Majesty, should be paid out of the said Five hundred thousand Pounds; Yet the Sum in the said Warrants mentioned, or any Part thereof, was not paid out of the said appropriated Sum of Five hundred thousand Pounds, or otherwise; but the whole Sum of Five hundred thousand Pounds was applied to other Uses, for which it was appropriated. And the said Earl humbly hopes, That he hath not hereby betrayed the Ho-

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## ARTICLES.

## ANSWER.

ment of such Debts and Ar-  
 rears as were therein men-  
 tioned. And another War-  
 rant to the said Auditor to  
 make and pass Debentures  
 for paying to the said Queen,  
 or to her Treasurer or Re-  
 ceiver, the Sum of Two  
 Thousand Five Hundred  
 Pounds for one Quarter,  
 incurr'd on the said Pension  
 of Ten Thousand Pounds  
*per Annum* from *Lady-day*,  
 One Thousand Seven Hun-  
 dred and Thirteen, to *Mid-*  
*summer* then last past, and  
 appointed the same to be sa-  
 tisfied out of the Sum of  
 Five Hundred Thousand  
 Pounds, appropriated by an  
 Act passed the then last Ses-  
 sion of Parliament, for or to-  
 wards payment of such Debts  
 and Arrears as were therein  
 mentioned. And the said  
*Robert* Earl of *Oxford* and Earl  
*Mortimer*, on or about the  
 Twentieth of *July*, One Thou-  
 sand Seven Hundred and Four-  
 teen, being then Lord High  
 Treasurer of *Great Britain*,  
 and of Her Majesty's Privy  
 Council, having corruptly and  
 deceitfully, in further Viola-  
 tion of his Oath, and his high  
 Trust, advised her late Majesty  
 to Sign a Warrant, directing  
 the Payment of One Thousand  
 Pounds Sterling to *Daniel Ar-*  
*thur*, Esq; for Monies expended  
 by him for her Majesty's spe-  
 cial

nour of Her late Majesty, or  
 the Imperial Crown of these  
 Realms, or acted contrary to  
 his Duty. And the said Earl  
 doth acknowledge, that the  
 said Monsieur *Gaultier* com-  
 ing into *England* with Let-  
 ters of Credence from the  
*French* King to Her late Ma-  
 jesty, after having resided  
 some time in *England*, Her  
 Majesty was pleased, before  
 his Departure hence, to di-  
 rect a Present should be  
 made to the said Monsieur  
*Gaultier*, as hath been usual  
 in like Cases to publick Mi-  
 nisters: And he believes Her  
 said Majesty was the rather  
 inclined to make such Present  
 to the said Monsieur *Gaultier*,  
 because the said Earl hath  
 heard, and takes it to be true,  
 that the said *Gaultier* had been  
 instrumental with the *French*  
 King to obtain the Delivery  
 and Release of those poor Pro-  
 testants, who had suffered a-  
 board the Gallies on account  
 of their Religion; whose Re-  
 scue from Slavery, Her Ma-  
 jesty, out of Her known  
 Zeal to the Protestant Reli-  
 gion, and out of Her wonted  
 Piety and Compassion to the  
 Confessors in so good a Cause,  
 had much at Heart, and had  
 prevailed therein beyond Ex-  
 pectation; It being what,  
 by his Majesty King *William*,  
 had been attempted in vain, and  
 was

## ARTICLES.

## ANSWER.

cial Service, and the same being accordingly issued and received by him the said *Arthur* out of her Majesty's Treasure, he the said *Robert* Earl of *Oxford* and Earl *Mortimer*, being then also Lord High Treasurer of *Great Britain*, did give private Direction to the said *Arthur*, to pay the said Sum of One Thousand Pounds to the said Abbot *Gaultier*, or to his Use; pursuant to which Direction, the said *Arthur* did pay or cause to be paid the said Sum of One Thousand Pounds, to the said Abbot *Gaultier*, or to his Use; whereby the said *Robert* Earl of *Oxford* and Earl *Mortimer* did most wickedly betray the Honour of her late Majesty, and the Imperial Crown of these Realms, in advising her, under Colour of the said Letters Patents, and without the Advice of her Council or her Parliament, to direct the issuing of the Revenue, provided by Parliament for the support of the Honour and Dignity of the Crown, to the Use and Benefit of the open and avowed Adherent of the Pretender; and did not only defraud her Majesty of the said Sum of One Thousand Pounds, but did most arbitrarily, illegally, and corruptly advise the Embezzlement and Misapplication of so much of the said Sum of Five Hun-

was thought by many impossible ever to be obtained: And the good Offices of the said *Gaultier* in that Affair, having been very acceptable to Her Majesty, She was pleased to encrease his Present in respect thereof, and therefore ordered it to be paid in the same manner as had been done to others, whose Presents Her Majesty thought fit to augment. And for this end Her Majesty, about the Time in this Article mentioned, did Sign a Warrant directing the Payment of One thousand Pounds Sterling to *Daniel Arthur*, Esq; in the same Article mentioned, to the Intent it might be paid to the said Monsieur *Gaultier*, on the Account aforesaid. And the said Earl believes, the said Monies were issued and paid accordingly, and doth not apprehend he hath therein acted contrary to his Duty.

## ARTICLES.

## ANSWER.

Hundred Thousand Pounds, in Contempt and Defiance of the exprefs Appropriation of an Act of Parliament.

*Fifth Additional Article.*

That whereas by the antient and undoubted Laws of this Kingdom, no Person, being a natural born Subject of this Realm, or within any of the Dominions thereunto belonging, and having committed and being under the Guilt of High Treason, ought to be received within this Kingdom, as a Publick Minister, or with any Character from any foreign Prince, State, or Potentate. And whereas sometime in the Year One Thousand Seven Hundred and Thirteen, one *Patrick Lilesh*, stiling himself, and commonly known by the Name of *Sir Patrick Lawless*, an *Irish* Papist ( who had served with the late King *James* the Second, in the War in *Ireland*, against his late Majesty King *William* the Third, of ever glorious Memory, had followed the said King *James* into *France*, and continued in the most open and avowed manner, in his Interests and Service, and in Rebellion against his said Majesty King *William*, and had bore high Commissions, and been in open Arms against

*Answer to the Fifth Additional Article.*

In answer to the Fifth Additional Article, the said Earl doth admit the Sovereign of this Realm may refuse to receive any Natural-born Subject, who hath committed, or is under the Guilt of High Treason, as a publick Minister, or with any Character from any foreign Prince, State or Potentate: And that where such Person is known to be guilty of such Crime, it may in most Cases be fit so to do. But the said Earl apprehends, that the Sovereign is the proper Judge whom to refuse or receive with such Character. The said Earl believes, that a Person stiling himself, or commonly known by the Name of *Lilesh*, or *Lawless*, did about the Year 1712. or 1713. come into *England* with Letters of Credence to her Majesty from the King and late Queen of *Spain*, and Authority to Treat about carrying *British* Merchandizes to the *Spanish West-Indies*; and that her Majesty was pleased to admit such Person with such Letters of Credence;



## ARTICLES.

## ANSWER.

against her late Majesty Queen *Anne*, in the late War in *Spain*) did come into this Kingdom, and pretended to have and did take on himself the Character of a Minister sent from *Philip* King of *Spain*, to her late Majesty, to treat of Matters of the greatest Importance to the Honour and Safety of her Majesty and her Kingdoms ; and having given Notice of the same to *Robert* Earl of *Oxford* and Earl *Mortimer*, then Lord High Treasurer of *Great Britain*, and of her Majesty's Privy Council, and who then assumed to himself the Supreme Direction in her Majesty's Councils ; he the said *Robert* Earl of *Oxford* and Earl *Mortimer* was not only wanting in his Duty to her Majesty, in not advising her Majesty against receiving and admitting the said *Lisle* alias *Lawless* in the Quality aforesaid, but did, together with other false and evil Counsellors, advise her Majesty to receive and admit him as a Minister from his said Catholick Majesty ; and the said Earl did presume frequently to Meet, Confer, and Negotiate the most important Affairs of the Nation with the said *Lisle* alias *Lawless*, in the Quality aforesaid. And the better to conceal his said illegal and dangerous Measures

dence ; and before his return to *Spain* was pleased to order, for the Use of such Person, the Sum of One thousand Pounds, to be paid out of the Monies appropriated to the Civil List, which the said Earl, in Obedience to such Orders, caused to be paid, and humbly apprehends it was his Duty so to do. But the said Earl believes, that when the said *Lisle* or *Lawless* was so admitted, he was generally thought to be a Natural *Spaniard*, and that from the Advantages of those Licences which he brought for carrying the *British* Merchandizes to the *West-Indies*, he expected a much larger Present ; However the said Earl denies, that he knew, or was inform'd, before the Arrival of the said *Lawless* in *England*, any thing of his coming hither, nor after his Arrival did he see him, or know of his being here before he had been introduced to her Majesty ; it being usual for publick Ministers to be introduced by those Servants of her Majesty, to whose Office it belongs, as matter of Duty and common Dispatch, without consulting therein other Ministers of State. And upon the Notice taken of this Affair formerly in the House of Peers, it appear'd that the Noble Lord who introduced the

## ARTICLES.

## ANSWER.

fures from her said Majesty, he the said *Robert* Earl of *Oxford* and Earl *Mortimer*, was privy to, consenting, and advising that the said *Lilesh* alias *Lawless* should be introduced to her said Majesty, and should be received and treated by her Ministers, under the false and disguised Name of *Don Carlo Moro*. And the House of Lords, sometime in the Month of *April*, 1714. having Notice of the said dangerous Attempt of the said *Lilesh* alias *Lawless*, on or about the Ninth of the said Month, made an humble Address to her Majesty, 'That she would be graciously pleased to issue Her Royal Proclamation, Commanding all proper Officers and Magistrates to make diligent Search for, and to apprehend all Popish Priests, and to put the Laws in Execution against them; And likewise to enquire after, and apprehend all such Persons as have served in Arms against Her Majesty, or their late Majesties King *William* and Queen *Mary*, and who were then within the Kingdom, contrary to Law, to the End they might be brought to Justice.' To which Her Majesty was graciously pleased to return an Answer to the Effect following, *viz.* That she would give Or-

the said *Lawless* to the Queen, by virtue of his Office, did it as of Course, and did not then know he was other than a Native of *Spain*. And the said Earl saith, that of a long time after he had been so introduced, the said Earl neither knew nor heard that he was other than a Natural *Spaniard*; but when the said Person had continued in *England* a considerable time, there was a Rumour, and the said Earl was afterwards inform'd, that he was a Native of *Ireland*, and departed out of that Kingdom in his Youth, and had since been in the *Spanish* Service; but doth not know, nor was inform'd, that he had committed, or been guilty of High Treason, or that he had served the late King *James* II. in the War in *Ireland* against King *William* III. or had follow'd the said King *James* II. into *France*, or been in his Interest or Service, or had been in Rebellion against King *William*, or in Arms against the late Queen. And the said Earl having no Notice of the said Person's Arrival, before his being admitted to her Majesty, nor any Knowledge of any Crime he was guilty of, submits whether it shall be imputed to him as any want of Duty, that he did not advise her Majesty against admitting



## ARTICLES.

Orders pursuant thereto, and a Proclamation did accordingly issue. And on the said Ninth Day of *April*, the House of Lords (having under their Consideration what further Security could be provided for strengthening the Protestant Succession in the House of *Hanover*) came to the following Resolution, viz. *That no Person, being a Natural-born Subject of Great Britain, or within any of the Dominions thereunto belonging; and who having traitorously served against Her Majesty, ought to be received as a Publick Minister, or with any Character within this Kingdom: Notwithstanding which, he the said Robert Earl of Oxford and Earl Mortimer, having no regard to the Safety of Her Majesty's Person, or to the Security of the Protestant Succession; and setting himself in utter Defiance not only of the said Advice and Resolution of the House of Lords, but of Her Majesty's Assurances to that House of Parliament, and of Her Royal Authority and Command, by her Proclamation under the Great Seal: Instead of doing what in him lay, to have apprehended and brought, or caused the said Lilesh alias Lawless, to be brought to Justice, did afterwards, on or about the Fifteenth of*  
*March,*

## ANSWER.

or receiving him in the Character aforesaid, or that he did by her Majesty's Authority Meet, Confer or Negotiate with him concerning any Affairs about which he was Authoriz'd to Treat (in Case he had so done, which however the said Earl doth not admit) or that by Authority from her Majesty he paid the said Sum of One thousand Pounds to the said *Daniel Arthur*, which after came to his Use. But the said Earl doth deny, that he advised her Majesty to sign the Warrant for Payment of the said One thousand Pounds, or gave any Directions for Payment thereof, contrary to what was intended by her Majesty. And the said Earl admits, that some other Sums of Money (which might amount in the whole to Nine hundred and fifteen Pounds, or thereabouts) were paid in Satisfaction of Monies advanced to the said *Lawless*, as part of the Monies agreed to be advanced to his Catholick Majesty by the *Assiento* Contract: But denies, that he directed the Payment of any other Monies whatsoever out of her Majesty's Treasury to the said *Lilesh* alias *Lawless*, or knows that any other Monies were paid to him, beside the aforementioned Sum of One thousand Pounds, and the Monies  
 paid



## ARTICLES.

## ANSWER.

*March, 1714.* most wickedly and treacherously advise Her Majesty to Sign a Warrant, directing the Payment of One Thousand Pounds Sterling to *Daniel Arthur*, Esq; for special Services, which being accordingly issued and received by the said *Arthur*, he the said Earl did privately and corruptly direct the said *Arthur* to pay the same, and accordingly the said One Thousand Pounds was paid to the Use of the said *Lilesh* alias *Lawless*: And the said *Robert* Earl of *Oxford* and Earl *Mortimer*, did, at other Times, in a fictitious and scandalous manner, direct the Payment of other considerable Sums of Money out of Her Majesty's Treasure, to the said *Lilesh* alias *Lawless*, which were accordingly paid to him; altho' it was notorious, that the said *Lilesh*, alias *Lawless*, had not only traitorously serv'd in Arms against Her Majesty, but had been the Minister or Agent of the Pretender, at the Court of *Madrid*; and was under strong Suspicions of being sent into *England* under the Pretences aforesaid, secretly to promote the Interest of the Pretender in these Kingdoms. By all which Corrupt and Evil Counsels, he the said *Robert* Earl of *Oxford* and Earl *Mortimer*, did most basely and ungratefully expose the Person of Her

paid in Satisfaction of what was advanced to him towards the Part due to his Catholick Majesty, by the said *Assiento* Contract. And the said Earl never assumed the Supream Direction in her Majesty's Councils, neither was he advising, that the said Person should be introduced to her Majesty, or should be received or treated by her Ministers under the disguised Name of *Don Carlo Moro*, or should at all be received as a publick Minister here. And the said Earl doth acknowledge, that the House of Lords with commendable Zeal made such Address, and came to such Resolution, and that her Majesty made such Answer, and issued such Proclamation as in the said Article is mention'd. And as the said Earl had always the highest Regard to the Safety of her Majesty's Person, the Security of the Protestant Succession, and Advice and Resolutions of the House of Peers; so he denies, that he had the least Knowledge, that the said *Lilesh* alias *Lawless* had ever been Minister or Agent of the Pretender at the Court of *Madrid*, or the least Suspicion that he was sent into *England* to promote the Interest of the Pretender in these Kingdoms; nor is he conscious to himself, that he hath done

## ARTICLES.

Her Sacred Majesty, did what in him lay to enervate and render ineffectual the Advice of Parliament, and Her Majesty's most solemn Declarations, in a matter of the nearest Concern to Her Majesty and Her Kingdoms, and by countenancing, in the most Corrupt and Scandalous Manner, the secret Emissaries of the Pretender, did greatly encourage his open Adherents, to the apparent Danger of the Protestant Succession to the Imperial Crown of these Realms.

*Sixth Additional Article.*

That whereas Her late Majesty Queen *Anne*, after several unsuccessful Attempts, in Conjunction with Her Allies, to Establish his present Imperial Majesty on the Throne of *Spain*, being inform'd, that the People of *Catalonia* were inclined to cast off the Yoke impos'd upon them by the *French*, and to return to the Obedience of the House of *Austria*; and Her Majesty being desirous to maintain and improve that good Disposition in them, and to induce them to put the same speedily in

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## ANSWER.

done any thing to expose the Person of her most sacred Majesty; to enervate or render ineffectual the Advice of Parliament, or her Majesty's Declaration; to Countenance any Emissary of the *Pretender*, or encourage his Adherents, to the Danger of the Protestant Succession as by Law establish'd in the Serene House of *Hanover*: But on the contrary is persuaded his Conduct in that Affair is so well known, as not to need any further Justification: But if it should at any time be thought necessary, he is able to produce those Proofs of it, which are the best Authority in the World for his Vindication.

*Answer to the Sixth Additional Article.*

In answer to the Sixth Additional Article, the said Earl hath been inform'd, and doth believe it may be true, That after several unsuccessful Attempts by her late Majesty, in conjunction with Her Allies, to establish his present Imperial Majesty upon the Throne of *Spain*, Instructions in Writing were given to *Mitford Crow*, Esq; about the 7th Day of *March*, 1705, taking notice that her Majesty had been inform'd, The People of *Catalonia* were inclin'd to cast

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## ARTICLES.

## ANSWER.

Execution, did send *Mitford Crow*, Esq; to them, with necessary Powers and Instructions to carry on so great a Work, for the Advantage of her Service, and the Good of the Common Cause; and to that End, to Treat with the *Catalans*, or any other People of *Spain*, about their coming in to the Interest of King *Charles* the Third, his present Imperial Majesty, and joining with Her Majesty and her Allies against the Common Enemy; And Her Majesty, after her gracious Assurances to assist them with Men and Money, was pleased to Authorize her said Minister to give them Her utmost Assurances, to procure the Establishment of all such Rights and Immunities, as they had formerly enjoy'd under the House of *Austria*, and that for their further Satisfaction, She had sent for Powers from King *Charles* the Third, for confirming the same, and was willing to become Guarrantee, that it should be done: Nevertheless on this express Condition, that they should receive the said King *Charles* as lawful King of *Spain*, and utterly renounce the House of *Bourbon*. And, together with the said Instructions, Her Majesty was pleas'd to Sign and cause to be deliver'd to Her said Minister, Credential Let-  
ters

off the Yoke impos'd on them by the *French*, and to return to the Obedience of the House of *Austria*; and that her Majesty, desiring to maintain and improve that good Disposition in them, and to induce them to put the same speedily in Execution, had made choice of him to carry on so great a Work, for the Advantage of Her Service and the Good of the Common Cause, as was the making a Treaty with the *Catalans*, or any other People of *Spain*, for the Purposes aforesaid; and that the said *Mitford Crow* was thereby empower'd to give the *Catalans*, or other *Spaniards*, Assurances of her Majesty's utmost Endeavours to procure the Establishment of all such Rights and Immunities, as they had formerly enjoy'd under the House of *Austria*, and the Confirmation of such Titles as had been conferr'd on any of them by the Duke of *Anjou*: And that for their further Satisfaction, her Majesty had sent to King *Charles* the Third, for Powers for confirming the same to them, and was willing, if they insisted on it, to become Guarrantee that it should be done. And the said Earl hath been likewise inform'd, That her Majesty, in a Commission granted to the said *Mitford Crow*, expressed, 'That  
' She



## ARTICLES.

## ANSWER.

ters to the Nobility, Magistrates, and all other Officers Civil and Military of *Catalonia*, desiring them to depend on the Promises he should make them in her Name. And in her Majesty's Instructions to the Earl of *Peterborow*, and Sir *Cloudsley Shovel*, in or about the Month of *May*, One Thousand Seven Hundred and Five, they are order'd to use their utmost Endeavours to induce the *Catalans* to join with them in their Undertaking, and to assure them of Her Majesty's Support, and to promise them, in the Queen's Name, That She would secure them a Confirmation of their Rights and Priviledges, from the King of *Spain*, that they might be settled on a lasting Foundation, to them and their Posterity. And in case Perswasions should not prevail, and the *Catalans* should not make a suitable Return to those kind Offers, they were order'd to annoy their Towns on the Coasts of *Spain*, and to reduce them by Force. And, in Conformity to these Instructions, a *Manifesto*, or Declaration was prepared, by the Privy and Advice of *Robert Earl of Oxford* and *Earl Mortimer*, then one of Her Majesty's Principal Secretaries of State, and deliver'd to the said Earl of

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' She thought fit to enter into  
' a Treaty with the Principa-  
' lity of *Catalonia*, or any o-  
' ther Province of *Spain*, on  
' Condition they would ac-  
' knowledge and receive *Charles*  
' the Third, as lawful King of  
' *Spain*, and utterly Abdicate  
' the House of *Bourbon*, and  
' join their Forces with her  
' Majesty's: ' And that her  
Majesty was pleas'd also to  
Sign and Deliver to the said  
*Mitford Crow*, Credential Let-  
ters directed to the Nobility,  
Magistracy, and other Offi-  
cers of *Catalonia*, or any o-  
ther Province of *Spain*, de-  
siring them to give Faith to  
every thing the said *Mitford*  
*Crow* should tell them in her  
Majesty's Name: And that  
Instructions were likewise gi-  
ven to the Earl of *Peterborow*  
and Sir *Cloudesly Shovel*, about  
the Time, and to the Effect in  
the said Article mentioned;  
and that a Manifesto or Decla-  
ration was afterwards published,  
by the said Earl of *Peterbo-*  
*row*, to the Effect in the said  
Article set forth; but the said  
Earl denies, that such Mani-  
festo or Declaration was pre-  
pared by his Advice or Privy.  
And the said Earl believes it  
may be true, that some part of  
the Nobility, Clergy and In-  
habitants of the Principality  
of *Catalonia*, and also of the  
Inhabitants of the Island of

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*Majorca*,

## ARTICLES.

## ANSWER.

*Peterborow*, full on the one Hand of the Assurances aforementioned, and on the other Hand, of Menaces to them, in case they declin'd Her Majesty's Overtures, which *Manifesto* was afterwards publish'd by him the said Earl of *Peterborow* in *Catalonia* : And, whereas the Nobility, Clergy, and the whole Principality of *Catalonia*, and the Inhabitants of the Isle of *Majorca*, relying on the Faith of those Royal Assurances, did utterly abandon the House of *Bourbon*, and acknowledged King *Charles* the Third, his present Imperial Majesty, for their lawful Sovereign, and did join their Arms with those of Her Majesty and Her Allies, against the Duke of *Anjou* : And it having pleased Almighty God, so far to Bless Her Majesty's pious and generous Undertaking, as by most signal Successes, in a short time, to deliver the Principality of *Catalonia*, from the heavy Yoke of *French* Bondage ; and great Supplies having been granted by Parliament, for the reducing the whole Kingdom of *Spain* to the Obedience of the House of *Austria* ; the Arms of Her Majesty, and Her Allies, were attended with vast Successes, having twice enter'd the Capital City of that Kingdom, and obtain'd many other sig-

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*Majorca*, did afterwards acknowledge King *Charles* the Third (now Emperor) for their lawful Sovereign, and did join their Arms with those of her Majesty and Her Allies, against the present King of *Spain*, but by what Motives they were induc'd thereunto, the said Earl does not know. And the said Earl does acknowledge, That, for some time, the Arms of her Majesty and Her Allies in *Spain*, were attended with considerable Success, in which the Bravery of the *Catalans* appear'd, and the Forces of the Confederates twice entred the Capital City of that Kingdom ; by which signal Conquests, and the great Supplies that were granted by Parliament, for their Assistance, the said People were under the highest Obligations of Gratitude to her Majesty ; but the Advantages those Successes had given King *Charles* the Third being lost, her Majesty found the Burthen of that War very heavy to Her Subjects, the Conquest of *Spain* for the present Emperor impracticable, and after the Accession of the Empire and Descent of the Hereditary Countries to him, esteem'd inconsistent with the Interests of many of Her Allies, and therefore thought it necessary for the Good of her People



## ARTICLES.

## ANSWER.

nal Conquests, to the great Advantage of the Common Cause : And thro' the whole Progress thereof, the Bravery and Firmness of the *Catalans* being always remarkable thereby, as well as from the repeated Assurances given to them, from time to time, in Her Majesty's Name, by every General and Minister sent from *Great Britain* to *Spain*, the Hearts of that Brave People were united under the strongest Ties of Affection and Gratitude to Her Majesty ; and they were justly held in the strictest Dependence on the Continuance of her Royal Protection ; he the said *Robert Earl of Oxford* and *Earl Mortimer*, being an Enemy to the Common Liberty of *Europe*, and having Traitorously enter'd into Conspiracies, for subjecting the whole *Spanish* Monarchy to the House of *Bourbon*, and designing, most maliciously, the utter Ruin and Destruction of the ancient Rights, Liberties and Privileges of the *Catalans*, who had made so glorious a Stand for the Preservation of them, did, together with other false and evil Counsellors, form a most Dishonourable, Wicked, and Cruel Contrivance, not only for abandoning the *Catalans* to the Fury and Revenge of the Duke of *Anjou*, and his Adherents,

but

People, and the Tranquillity of *Europe*, to enter into Negotiations for a General Peace. But the said Earl denies, That he entred into any Conspiracy for subjecting the *Spanish* Monarchy to the House of *Bourbon*, or ever had the least Design of the Ruin or Destruction of any of the Rights, Liberties or Privileges of the *Catalans* ; or that he ever formed any Contrivance for abandoning them to the Fury or Revenge of the Duke of *Anjou*, or his Adherents ; or for the Extirpation of any of their Rights, Liberties, or Privileges ; or that he advis'd her Majesty to give directions to the Lord *Lexington* to acknowledge the Duke of *Anjou* King of *Spain*, before any Negotiation of Peace was set on foot in due Form of Law, between the Crowns of *Great Britain* and *Spain*. On the contrary the said Earl saith, that by Letters and Papers sent by One of Her Majesty's Principal Secretaries of State to the Lord *Lexington*, it will appear, That after her Majesty had hearkned to the Proposals for a General Peace, for the Good of Her Own People and Her Allies, She us'd Her best Endeavours for obtaining the Liberties of the *Catalans*, at the conclusion of the Peace, and that his Lordship was directed peremptorily

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## ARTICLES.

but for the final Extirpation of all their Rights, Liberties and Priviledges. And in Execution of that his Intention, during the private, separate, and pernicious Negotiation of Peace, which was carry'd on between him and the Ministers of *France*, and before any Negotiation of Peace was set on Foot, in due Form of Law, between the Crowns of *Great Britain* and *Spain*, did Advise Her Majesty, to give Directions to the Lord *Lexington*, Her Ambassador to the Court of *Spain*, to acknowledge the Duke of *Anjou* King of *Spain*, but was greatly wanting in his Duty to Her Majesty, in not advising to give Instructions to Her said Minister, at the same time, peremptorily and absolutely to insist on the securing the *Catalans* Liberties at the Conclusion of the Peace. And, altho' the private, separate and treacherous Practices of him the said *Robert* Earl of *Oxford* and Earl *Mortimer*, and others, in Combination with the Ministers of *France*, did afterwards, on or about the Fourteenth of *March* One Thousand Seven Hundred and Thirteen, Necessitate his present Imperial Majesty to Conclude a Treaty for the Evacuating *Catalonia* ( whereof Her Majesty was Guarantee ) without any express and positive Sti-

## ANSWER.

rily and absolutely to insist thereon: Nor doth the said Earl know or believe, that any Orders were ever sent from or given by her Majesty to any of Her Ministers, to recede from that Demand; or that the said Lord *Lexington* ever desisted from making the utmost Efforts he could for obtaining it. And if from any Measures of the *Catalans*, or of his Imperial Majesty, or from any other Cause, her Majesty's Endeavours had not their full Effect; the said Earl conceives it cannot be imputed to any neglect of her Majesty, or any want of Duty in him the said Earl. He believes, That about the time in the said Article mentioned, his Imperial Majesty did enter into a Convention or Agreement for Evacuating *Catalonia*; and that her Majesty, out of Inclination to perform Her best Offices to the Emperor, was prevail'd on to become one of the Guarrantees thereof; but denies, That his Imperial Majesty was necessitated by any Practices of the said Earl, to make any such Convention, and is ignorant for what Causes his Imperial Majesty, whom it most concerned, omitted, in such Convention, to make express and positive Stipulations for the Liberties of the *Catalans*. If it proceeded from any depen-

## ARTICLES.

Stipulation for the *Catalans* Liberties ( his Imperial Majesty relying, in that respect, on Her Majesty's Declaration, to interpose for them in the most effectual manner, and on the Promises of the *French* King to join his Endeavours for the same purpose. ) And, altho' Her Sacred Majesty did, both before and after, frequently declare by Her Ministers in *Spain*, that she thought Herself under the strongest Ties of Honour and Conscience, not to abandon a People, whom the Necessities of the War had oblig'd Her to draw into Her Interest. And tho' the *French* King did not join his Endeavours for the Purposes aforesaid ; He the said *Robert* Earl of *Oxford* and Earl *Mortimer*, together with other false and wicked Counsellors, having from time to time amused and deceived the distressed *Catalans* with groundless Hopes of Her Majesty's effectual Interpositions in their Favour, thereby engaging them in a more obstinate Defence of their Territories against the Duke of *Anjou*, was not only highly wanting in his Duty to Her Majesty, by not doing what in him lay, as a faithful Minister, to have prevented the Conclusion of the Treaty of Peace with *Spain*, till just and honourable Conditions were secured for the *Catalans*,

## ANSWER.

dependance upon the Declaration of her Majesty, to interpose Her best Offices on their Behalf, and the Promises of the *French* King to join his Endeavours therein ; he is confident it will appear, her Majesty's best Offices were employ'd in that Affair, when it is consider'd, what repeated Instances She made by her Ministers, and in the most pathetic manner, to obtain for them the Priviledges they desir'd. And that her Majesty by Her earnest interposition, did obtain a Grant and Confirmation to all the Inhabitants of *Catalonia*, of a perpetual Amnesty and Oblivion of all that was done in the late War, the full Possession of all their Estates and Honours, and a farther Grant of all their Priviledges, which the Inhabitants of both *Castiles*, ( who of all the *Spaniards* were most dear to the King of *Spain*, ) enjoy'd, or might at any time after have, or enjoy ; whereby the *Catalans*, if they obtain'd not all the antient Priviledges they pretended to, receiv'd however in compensation thereof, the Advantage of Trading directly to the *West-Indies*, and other Priviledges, to which they were never before entitled. And the House of Peers, upon Consideration of several Papers laid before them, relating



## ARTICLES.

## ANSWER.

*talans*, but did falsly, maliciously, and treacherously advise Her Majesty to Conclude a Peace with the King of *Spain*, without any Security for the antient and just Rights, Liberties and Priviledges of that brave, but unhappy Nation. And did further advise Her Majesty to send Sir *James Wisbart*, her Admiral, with a large Squadron of Men of War, at a great Expence, to favour the said King of *Spain* in the Siege of *Barcelona*, the Capital City of *Catalonia*, and with expresse Instructions, That in Case the Inhabitants of *Majorca* should refuse the Terms that should be offer'd them by the Duke of *Anjou*, to employ his Squadron, in countenancing and assisting all Attempts that should be made, for reducing them to a due Obedience. By which most vile and detestable Counsels, Her Sacred Majesty, contrary to Her most Pious Intentions, the Faith of Nations, and the Duties of Religion and Humanity itself, and contrary to Her solemn and repeated Assurances, was prevail'd on to abandon a distressed People, drawn in, and engaged by her own Invitation, into an open War with the Duke of *Anjou*, for the Preservation of the Liberties of *Europe*, and the Commerce of *Great Britain*. And the Persons,

relating to this Affair, in pursuance of their Address to her Majesty in that behalf, express'd their utmost Thankfulness and Satisfaction for her Majesty's repeated and earnest Endeavours for preserving to the *Catalans* the full enjoyment of all their just and antient Liberties. And it is probable her Majesty had prevail'd to obtain for them their antient Priviledges and Liberties, in the largest Extent, if they had waited the Event of Her Gracious Interpositions in their Favour, and not determined to carry on the War by themselves against King *Philip*, after the Emperor had Sign'd the Convention for Evacuating their Country, which incens'd the King of *Spain* in the highest degree, and was look'd upon by him as the most obstinate Rebellion. However, the said Earl saith, he never amus'd the *Catalans* with any Expectations whatsoever, nor in any degree contributed to engage them in any obstinate Defence against the Duke of *Anjou*; nor advis'd her Majesty to conclude a Peace with *Spain* without Security for the antient Rights, Liberties and Priviledges of that People; or to send Sir *James Wisbart* with a Squadron of Men of War, for the Purposes in the said Article mention'd; but believes



## ARTICLES.

sons, Estates, Dignities, Rights, Liberties, and Priviledges of the *Catalans*, were given up as a Sacrifice, to the implacable Resentment of their enraged and powerful Enemy ; and the Honour of the *British* Nation, always Renowned for the Love of Liberty, and for giving Protection to the Assertors of it, was most basely prostituted, and a free and generous People, the faithful and useful Allies of this Kingdom, were betray'd, in the most unparalled manner, into irrevocable Slavery : And, in Consequence of which most dishonourable and perfidious Counsels, the most execrable Hostilities, Burnings and Plunderings were committed upon them, throughout their whole Province, without sparing the effusion of Innocent Blood, and without the distinction of Age or Sex ; and that unfortunate People were afterwards forc'd to undergo the utmost Miseries of a Siege, in their Capital City of *Barcelona* ; during which great Multitudes of them perished by Famine and the Sword, many of them have since been executed : And great Numbers of the Nobility of *Catalonia*, who, for their Constancy and Bravery, in Defence of their Liberties, and for their Services in Conjunction with Her Majesty and Her

Allies,

## ANSWER.

believes her Majesty might think her self oblig'd, by being Guarantee to the said Convention, for the evacuating of *Catalonia*, to send the said Sir *James Wisbart* into the *Mediterranean* with a Squadron of Men of War, altho' he knows not the Orders or Instructions given on that occasion ; and humbly apprehends, That he cannot, in Justice, be charged with any Consequences from that unhappy People's refusal to comply in their submission to the King of *Spain*, upon the Terms her Majesty had obtained for them.

## CONCLUSION.

THUS the said Earl has laid his Case before your Lordships, wherein he hopes he has fully answered the several Articles exhibited against him : Yet, lest there should be any Omission in his Answer, which may be made use of to his Prejudice, he says, He is not guilty of all, or any of the Matters contained in the said Articles, in Manner and Form as they are therein charged against him ; And humbly hopes that your Lordships will excuse any Imperfections, or Defects in the said Answer, with regard to Expression, or Form ; and impute whatever of that Kind may appear, to the great Weakness of Body, and ill

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## ARTICLES.

## CONCLUSION.

Allies, had, in all Honour, Justice and Conscience, the highest Claim to Her Majesty's Protection, are now dispersed in Dungeons, throughout the *Spanish* Dominions; and not only the *Catalan* Liberties extirpated, but, by those wicked Counsels of him the said *Robert* Earl of *Oxford* and Earl *Mortimer*, *Catolonia* itself is almost become Desolate.

All which Crimes and Misdemeanors were committed and done by him the said Earl, against our late Sovereign Lady the Queen, her Crown and Dignity, the Peace and Interest of this Kingdom, and in Breach of the several Trusts reposed in him the said Earl.

And he the said *Robert* Earl of *Oxford* and Earl *Mortimer* was either Commissioner of the Treasury, or Lord High Treasurer of *Great Britain*, and one of Her Majesty's Privy Council, during the time that all and every the Crimes before set forth, were done and committed.

For which Matters and Things, the Knights, Citizens, and Burgeesses of the House of Commons in Parliament assembled, do, in the Name of themselves, and of all the Commons of *Great Britain*, further Impeach the said *Robert* Earl of *Oxford* and Earl *Mortimer* of other High Crimes and

State of Health which the said Earl now labours, and hath for some Months past laboured under; and that your Lordships will be induced to make all farther due Allowances in his Favour, from the following Considerations, which relate to the Nature of the Charge in general, and the Difficulties with which his Defence of himself, against the Particulars contained in that Charge, is, and must be attended.

Most of the Articles, with which he stands charged, relate entirely to the Negotiations of the Peace lately concluded at *Utrecht*; he doubts not but your Lordships will consider, that he must of necessity be under great Difficulties, in giving a full and particular Account of such a great Variety of Facts as are contained in these Articles; that several of those Facts concern Transactions with the Ministers of Foreign States, who cannot be produced as Witnesses in his Defence, be their Testimony never so material; that many Steps and Proceedings in an Affair of this Nature, where the Interests of several Parties, not only separate from, but some of them also contrary to each other, are to be adjusted, do require great Secrecy and Address

## ARTICLES.

## CONCLUSION.

and Misdemeanors in the said Articles contained. And the said Commons by Protestation, saving to themselves the Liberty of exhibiting at any time hereafter, any other Accusations or Impeachments against the said Earl, and also of replying to the Answers, which the said *Robert Earl of Oxford* and *Earl Mortimer* shall make to the Premisses, or any of them, or to any Impeachment or Accusation that shall be by them exhibited, according to the Course and Proceedings of Parliament, do pray, That the said *Robert Earl of Oxford* and *Earl Mortimer* be put to answer all and every the Premisses; and that such Proceedings, Examinations, Tryals and Judgments may be upon them, and every of them had and used, as shall be agreeable to Law and Justice.

dress in the Management; And that, in Treaties between Enemies, such Terms are often proposed, and such Arguments used, as carry a different Appearance from the real Intentions of those that Treat: Upon which Accounts, it must be very difficult to set every thing that past in the late Negotiations, with regard to the Enemy, and to the Allies, in a clear Light, and to justify every Step that was taken towards conducting them to the End proposed; especially, since the Account of those Transactions, and of the Reasons on which they were founded, cannot, as he conceives, be duly cleared, but by inspecting the entire Series of Letters and Papers, which passed during the Continuance of those Transactions, and by comparing together such Passages in them, as might give Light to each other, and to the whole. All which Letters and Papers are (as he is informed) now in the Possession of the Honourable House of Commons; nor was it thought fit, upon his humble Application to your Lordships, that he should be indulged with a Copy of any of them.

He hopes that it may not misbecome him, on this Occasion, to observe to your Lord-



## CONCLUSION.

ships, That the House of Commons, by being possessed of those Papers, have a fuller View of the whole Progress, and of all the secret Steps of that Negotiation, than perhaps was ever in the like Case imparted to any House of Parliament; and they have therefore all the Advantage possible towards forming the Charge against him upon the Articles of his Impeachment; whereas he (the said Earl) being destitute of all Assistance from those Papers, is under great and particular Disadvantages towards making his Defence, in the Points whereof he there stands accused; and he is therefore humbly assured, that, as your Lordships, on the one side, will not expect from him any such Proofs of his Innocence, as can only be drawn from a perusal of those Papers; so on the other, you will not admit of all, or any of those Articles, as made good against him, unless the Accusations therein contained, be supported by the clearest and most unquestionable Evidence, of which the Nature of the Facts is capable.

He submits it likewise to your Lordships Consideration, whether in a Negotiation, drawn out into a great length, where the Advice of all those in high Trust about Her Ma-

## CONCLUSION.

jestly, was to be taken, and where several Persons were to be entrusted with the Management of what was agreed upon, he can, with any Colour of Equity, be made answerable for advising and conducting the Whole?

He desires also farther to observe, That every thing, with which he is charged, was done in the Reign of a gracious Princess, now deceased, who, by Reason of the perfect Knowledge She had of the ill State of Affairs at Home, of the Advances made towards Peace from Abroad, and of the Commands, which She at several times laid on her Servants, had been the best, and indeed could be the only competent Judge, whether She was fraudulently dealt with, led by ill Advice into Measures which She did not direct, and approve, or made an Instrument of Sacrificing the Interests of Her Kingdoms to the Enemy. It is with great Grief that he finds such Things suggested, as seem to lay a Stain upon the Character of so excellent a QUEEN, whose Memory he is confident will be for ever dear to this Country: And therefore he takes leave, in the most solemn manner, to assure your Lordships, That, as far as he knows, or  
can

## CONCLUSION.

can remember, every thing relating to the Transactions of Peace, was communicated to Her late Majesty, and maturely consider'd by Her, before any thing was determined thereupon; nor was any Step taken, but in pursuance of such Determination.

As to the Peace in general, he the said Earl thinks he has very good Reason to say, That the Queen had nothing more at Heart, than to procure so great a Blessing for Her People; and that, when it was obtained, She had this Satisfaction in Herself, that She had taken the most proper Measures to justify Her Conduct, both toward Her Allies and toward Her own Subjects: For, upon a review of Her Majesty's whole Proceeding, in relation to War and Peace, he believes it will appear, and hath in Part appeared by the Answer of the said Earl, to the said Articles, that as Her Majesty enter'd farther into the War than She was obliged by any Treaties, subsisting at the Time of Her Accession to the Throne, so She contributed more Men and Money towards the carrying it on afterwards, than She was engaged to provide by any subsequent Treaties: That Her earnest Desires of Peace being twice frustrated,

## CONCLUSION.

when such Conditions might have been obtained, as would have fully answered all the Ends for which War was at first declared: That all our Successes and Victories ending in the annual Increase of the Charge of *England*, without any further Assistance from our Allies, and Her Kingdoms being exhausted to such a Degree (notwithstanding the great Advantages obtain'd by Her Arms) that she was not able to continue the War, upon the Foot it then stood, one Year longer; whilst Her Allies refused to continue it upon those equal Conditions, to which they were by Treaties obliged: She was at last constrained, in Compassion to Her People, to hearken to the Overtures of Peace then made Her from *France*, without relying farther on the vain Hopes of gaining more advantageous Terms, by protracting the War a Year longer: She had carry'd it on for some time under that Prospect, without reaping the Benefits proposed, even at Junctures that seemed most favourable to Her Demands, and to the Pretensions of Her Allies; She had indeed by that means raised the Glory of Her Arms, but she could not think this a sufficient Recompence for the encreasing Miseries of Her Peo-



## CONCLUSION.

People, and therefore resolved to lay hold of the Opportunity then offered to Her, of ending the War by a Peace, if it might be obtained upon Terms every Way just, safe and honourable; and those who were then employ'd in her Majesty's Councils, thought themselves obliged to second Her good Intentions in this Case, and to obey Her Commands with all Readiness.

The said Earl presumes, on this Occasion, to mention to your Lordships the Saying of as wise a Man, and as great a General as the last Age produced, the Duke of *Parma*; when *France* was in a far lower Condition than now, being almost equally divided between two contending Parties; and *Spain* was at the Height of its Glory, and he himself at the Head of a *Spanish* Army, supporting one of those Parties, after *Paris* itself had been besieged by the other; it was his Opinion, (and the Advice he gave to his Master, the King of *Spain*, was grounded upon it) *That, if France were to be got only by reducing its Towns, the World would be sooner at an End than such a War.* The Queen seemed at this Time, with better Reason to frame the like Judgment; and it was therefore Her Pleasure, and a great

## CONCLUSION.

Instance (as the said Earl conceives) of Her Wisdom and Goodness, to think of securing a Peace while She appeared able to carry on the War (Her Armies being full and numerous) and before the exhausted Condition of Her Kingdoms, and the Impossibility on Her Side, of maintaining so disproportioned an Expence, was discovered by Her Enemies.

At this Juncture the Queen entred upon a Negotiation of Peace, with Circumstances of great Honour to Her self, *France* applying to Her first, on this Account, previously owning Her Title, and acknowledging the Right of the Protestant Succession; two chief Grounds, upon which the Declaration of the last War was built.

As to the Allies, it was conducted in the same manner as all Treaties of Peace in Confederacies have ever been, and according to the known Laws of Nations in such Cases; the first Motion, and the several Steps of it, as fast as they ripen'd into Proposals fit for Consideration, being without Delay communicated to the States-General.

By the Terms of this Peace, as all reasonable Satisfaction and Security due to any of the Allies, by Treaty, were obtained for them by the Queen,



## CONCLUSION.

Queen, and their just Pretensions effectually supported; so larger Advantages were actually procured for *Great Britain* in particular, than ever had been demanded before, in any Treaty or Negotiation between this and any other foreign State. The said Earl craves Leave, on this Occasion, to appeal to your Lordships, whether all the Ends, for which the War was enter'd into, have not by this Treaty been fully attained? Whether it does not appear, by the best of Proofs, Experience, that the Kingdoms of *France* and *Spain*, are by the Conventions of this Treaty most effectually separated? And whether any other Expedient could have been so successful to this Purpose, as that whereby it is now happily brought about? Whether the Balance of Power in *Europe* be not now upon a better Foot, than it has been for an Hundred Years past? Whether the Advantages that have accrued to *Great Britain*, by this Treaty, do not appear, and have not appeared in the Security of the Protestant Succession, and in his Majesty's peaceable Accession to the Throne, with the universal Applause of his Subjects, in the Additions made to our Wealth by the great Quanti-

## CONCLUSION.

ties of Bullion lately Coin'd at the Mint, by the vast Increase of Shipping, employ'd since the Peace, in the Fishery, and in Merchandize, and by the remarkable Rise of the Customs upon Import, and of our Manufacture, and the Growth of our Country upon Export? For the Proof of which Particulars, he refers himself to those Offices and Books, wherein an Authentick Account of them is contained.

And as the Terms of the Peace were in these and other Respects manifestly profitable to *Great Britain*; so the said Earl begs Leave humbly to remind your Lordships, that they were communicated to the Parliament, and with their Concurrence, agreed on; That the Peace, thus concluded, was (afterwards) highly approved by both Houses; That Solemn Thanks were render'd to God for it in all our Churches, as well as in the Churches of the United Provinces; and that Her Majesty received on this Subject, the hearty and unfeigned Congratulations of Her People, from all parts of Her Dominions.

These being the real Effects, and this a true Representation of Her Majesty's Conduct, in the Affairs both  
of

## CONCLUSION.

of War and Peace; the said Earl sees not how he, or any others then in her Majesty's Service, can be justly charg'd with betraying the Interests of their own Country, and of the Allies, by negotiating and promoting that Peace, which then was, and (as he has good Grounds to believe) still continues to be very acceptable and advantageous to these Kingdoms; and if the Peace it self be not condemned, and it be not even charged upon the said Earl as a Crime, that he advised Her Majesty to conclude that Peace, (neither of which appear to him from the said Articles,) he humbly conceives, it is a particular and extraordinary Hardship upon him, that rough Draughts and Essays towards a Peace, with other Preliminary Steps of a Negotiation; all leading to an End which he looks upon to be just and profitable, and which is not in any of the Articles alledged to be otherwise, should be brought into so many distinct Heads of Accusation against him. For, supposing that, in the process of so nice and difficult an Affair, subject to divers unforeseen Obstructions and Events, any improper Steps had been taken, which the said Earl doth not admit, but altogether, on his Part, denies;

## CONCLUSION.

yet, if Things were at last conducted to a right Issue, and ended in an honourable and advantageous Peace, there can be (as he conceives) no just Ground to find Fault with the Measures made Use of to compass it, because they seemed, before the Accomplishment, to have a different Tendency: Especially, if it be considered, that scarce any Peace hath been made by a Confederacy, where less Occasion was administered for Jealousy among the several Parties, and less Reason given to complain, that every Nicety, required by the Letter of such an Alliance, was not strictly observed. And, therefore, he humbly hopes, that no Steps taken for obtaining a Peace, approved by the Wisdom of former Parliaments, shall by any succeeding Parliament be accounted Criminal, unless it can be made appear, that those Steps were taken, contrary to the Queen's Orders, or upon corrupt Views of private Advantage: But that no Charge of this Nature can be made good against him, he presumes to affirm, with great Assurance; nor does he know of any other Persons, justly chargeable upon either of these Accounts.

And as a farther Proof, that those who had the Honour



## CONCLUSION.

nour to serve Her Majesty in the Negotiations of Peace, acted with upright Views and Intentions, and without being conscious to themselves of any Failure in their Duty, either to their Queen, or their Country; The said Earl craves leave to observe to your Lordships, That they never attempted to cover their Actions from publick Censure by any Pardon or Indemnity, tho' they had very good Reason to believe, that, had they judged, or imagined themselves to have wanted such Security, it might (thro' the Goodness of the Queen) have easily been obtain'd.

Nor can he think it an Observation unfit to be made, that, in few of the Articles which concern the Negotiations of Peace, the Charge is founded on any Breach of the Laws of *Great Britain*; but it is in most of them built chiefly on the supposed Infraction of certain Treaties and Alliances with foreign Princes or States; and he conceives, that such Infractions of publick Treaties, where they do not particularly affect the Interests of *Great Britain*, being cognizable by the Laws of Nations only, and not by those of the Realm, are not wont to be examined into here at Home, and pro-

## CONCLUSION.

secuted as Criminal, but upon the Complaint of some Prince or State, pretending by that Means to be injured, and lodging such Complaint in some reasonable Time with the Prince, by the Advice of whose Ministers and Servants such Injury is supposed to have been done. But he knows not that any such Steps have been taken since the Peace, by any of the Powers concerned; on the contrary he believes, that all the Allies, except the Emperor and Empire, made their Peace with the Enemy at the same Time the Queen did, and that none of them did afterwards complain to Her Majesty (who survived the said Peace a Year and almost four Months) of any Hardships imposed upon them in it. That the Princes of the Empire, who contributed very little to the War, might have concluded their Peace upon reasonable Terms, at the same time the other Allies did; and would probably have done it, if the Emperor, on his part, had been willing to Sign together with Them, which, he is informed, at the Conclusion of any General Peace, has been seldom done; and particularly at the several Conclusions of the Peace of *Munster*, that of *Nimeguen*, and that of *Ryswick* was not practised.



## CONCLUSION.

etised. And he submits it to your Lordships Consideration, Whether the Emperor, having had all reasonable and equitable Satisfaction made him for his Pretensions to the Succession of the *Spanish* Monarchy, according to the Terms of the Grand Alliance, could have any just Reason to complain of the Queen's Ministers, or those of Her Allies, for concluding a Peace, without insisting (on his Account) upon impossible Conditions; especially, when no Provision was made, or offered to be made, to reimburse Her Majesty any part of those vast Sums She had already expended, in Support of his Pretensions; whilst he failed of supplying his Quota, almost in every part of the War, notwithstanding his new and great Acquisitions.

But whether the Emperor, or any other of the Allies, had any just Ground of Complaint, or not, still the said Earl presumes to insist, that it ought to have been signified to the Queen; who, upon such Complaint, had She found any of her Servants justly blameable, as disobeying Her Orders, or misleading Her by their Advice, into unjustifiable and dishonourable Measures, might have punished them forthwith as their Offen-

## CONCLUSION.

ces deserved: But nothing of this kind having been done, he humbly leaves it to be considered by your Lordships, Whether the Silence of the Powers concerned doth not carry in it a strong Presumption, either that they had no real and just Ground of Complaint, in relation to the Terms of the Peace it self, or at least did not look upon the Ministers of the Queen as any ways liable to blame on that Account; and therefore he must again beg Leave to express to your Lordships his Concern, that he should be charged as a Criminal, by the Laws of this Land, for supposed Breaches of Treaties with foreign States, which never were complained of, as such, by the States themselves, during the Life of Her Majesty.

He desires farther to observe to your Lordships, That, wherever he is charg'd with carrying on a private and separate Negotiation, 'tis all along understood with regard only to the States of the United Provinces; no step that was communicated to them being censur'd upon this Account; whereas all the other Allies had, by virtue of their Treaties with the Queen, a like Right to a Communication of Councils; and her Ma-

## CONCLUSION.

Majesty was under no Stipulations to act more in concert with any one, than with all of them.

He does indeed allow it to have been most agreeable to Reason, and to the Interests of State, that the Queen should act in a closer Conjunction with *Holland* than with any other of her Allies, because that, next to *Great Britain*, *Holland* bore the greatest Share in the Charge of the War; but then he hopes it will be allow'd also, that the States being more interested in the Success of the War than *England*, and *England* having submitted to a greater Share of the Burthen, in order to procure not only a fitting Security for the States, but such as brought great Advantages to them, tho' no Benefit to *England*; it was very reasonable for the Queen to take care of the Interest of her own Kingdoms some other way: And since the Advantages she demanded from the Enemy, were such as she might obtain, without any Prejudice to the States, it was as lawful for her to Negotiate this Matter without communicating it originally, and in the first rise of it, to them, as it was for her and the States to concert their mutual Interests together, without the immediate and express Participation

## CONCLUSION.

of the other Allies; which being known to be done, without a Design to defeat any of the main Ends of the Alliance, was never complain'd of by any of the Confederates.

And as for the Matters concerted previously with *France*, for the particular Interest of *England*, without the original Intervention of *Holland*, the States were so far from protesting against her Majesty's Measures, and condemning her Conduct in this Respect, that their Minister proffer'd several times in their Name to have led the Way, in the most difficult Part of the whole Negotiation, and to have done his utmost to facilitate the Conclusion of it, provided his Masters might have a Share in the *Assiento* Contract, and Trade to the *Spanish West-Indies*; one of those Advantages, which *France* had discover'd its Willingness should be allow'd previously and entirely to *England*.

These few general Observations the said Earl has thought fit to add in the Close of his Answer to the several Articles of his Impeachment; not only in his own necessary Vindication, but also in Defence of her late Majesty's Conduct in the negotiating and concluding a Peace, the perfecting of which she e-



## CONCLUSION.

steem'd as the greatest Happiness of her Reign. Upon a Review of the Twenty-Two Articles with which he is charg'd, as he is not conscious of any Offence committed by him, with respect to any one of them, so it is a particular Concern and Surprize that he reflects on those two, wherein he is accused of High Treason, for endeavouring to procure *Tournay* to *France*, and so deprive the States of that intended part of their Barrier; and for procuring *Spain* and the *West-Indies* to the Duke of *Anjou*, upon his Renunciation of the Crown of *France*: Referring himself to what he has said in his Answer to both these Articles, he here further assures your Lordships (and thinks it is sufficiently known both at home and abroad) that his Opinion and Endeavour, as Occasion offer'd, always were for *Tournay's* remaining, as it now does, to the States-General. And as to the latter, he doubts not but that what has lately happen'd in *France*, is a convincing Proof to your Lordships, and to all the World, that the Renunciation was the best Expedient that could have been propos'd towards hindring the Two Kingdoms from being united under one and the same Monarch, that that Branch of the Treaty which

## CONCLUSION.

relates to this Expedient has fully answer'd its End, and made good the Character given of it by the Queen, *That it would Execute it self*; and therefore, that whoever advised this Method of separating the two Crowns, was so far from being Guilty of any traitorous Design, that he eminently promoted the Welfare of *Great Britain*, and the Good of *Christendom*.

The said Earl, with all the Assurances of an innocent Man, begs leave to repeat, that as well in this as in all other Affairs of State, in which he had the Honour to be employ'd by her late Majesty, he ever acted according to the best of his Skill and Judgment, with sincere Desires and Intentions to serve the Publick, and without any View to his own private Advantage. As he was in several great Stations under her Majesty, he came into all of them by her own special Command, without his seeking or desiring them, and he serv'd her in all with the utmost Respect, Zeal and Faithfulness. And, while he continu'd in these Stations for many Years, it was with great Wonder and Pleasure that he observ'd, how her Majesty's whole Thoughts, Endeavours, and Time were divided between Her Duty to God, and Her



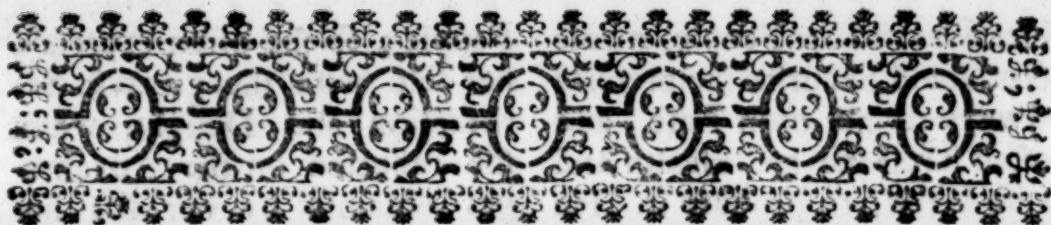
## CONCLUSION.

Her Love to her People, whose Good and Security she prefer'd always to her own Ease, and often hazarded her Health and Life it self, to procure it. He knew, that the most effectual way for any One to recommend himself to her good Opinion, was, to act upon the same Principles of Justice and Love to his Country, that she did: And as she abhorr'd the Thoughts of any thing Burthen some or Injurious to her

## CONCLUSION.

People; so she often express'd her self with the greatest Satisfaction and Delight, when she reflected on the Advantages obtain'd by her for her own Subjects, and the Quiet and Repose she had gain'd for *Europe*, by that Just and Honourable Peace, for which, as the present Age does, so Generations to come will, Bless the Memory of that Excellent and Renowned QUEEN.





*The Commons* REPLICATION  
to the Answer of ROBERT Earl  
of Oxford and Earl Mortimer.

THE Commons have consider'd the Answer of *Robert Earl of Oxford* and *Earl Mortimer*, to the Articles of Impeachment exhibited against him, by the Knights, Citizens, and Burgeses in Parliament assembled; and do with Astonishment observe, That the said Earl, instead of giving a Reasonable and Pertinent Answer, to the Just and Heavy Charge brought against him, by the Commons of *Great Britain*, has presum'd not only to deny his Advising and being concern'd in any Matters of State, in the Articles charged against him; tho' confessed to be under an Administration, wherein he was notoriously the first Minister and Chief Director: But has also joined therewith, a False and Malicious Libel; laying upon his Royal Mi-

stres the Blame of every thing, which, by Imposing upon Her, he had effected against her Honour, and the Good of his Country; Thereby attempting to reflect upon the Honour and Justice of the House of Commons, and to cast an Odium upon their Proceedings against him, as tending to asperse the Memory of the late Queen.

But the Commons are of Opinion, that if it were possible to add to the heavy Load of Guilt, in which the Treasons, and other most flagitious Crimes, committed by the said Earl, have already involved him; this base and ungrateful Attempt, to impute them to his Royal Mistress, must bring such a new Weight of Infamy upon him, and so justly provoke the Indignation of the Commons, that they might think

think themselves oblig'd to demand Your Lordships immediate Justice, for this unwarranted Attempt upon the Honour of the late Queen, and the Proceedings of Parliament.

But the Commons being sensible, that the Treasons and other Crimes whereof the said Earl stands Impeached, and the Necessity of bringing him to speedy and exemplary Justice, require that all Occasions of Delay should be avoided; and not doubting that Your Lordships will in due time vindicate the Honour of the late Queen, and of the

Commons of *Great Britain*, and the Justice of their Proceedings: The Commons do Aver their Charge against the said Earl of *Oxford* and Earl *Mortimer*, for High Treason, and other High Crimes and Misdemeanors, to be true; and that the said Earl is guilty of all and singular the Articles and Charges therein respectively contained, in such manner as he stands Impeached; and that the Commons will be ready to prove their Charge against him, at such convenient Time as shall be appointed for that Purpose.







A Short  
 S T A T E  
 O F T H E  
 WAR and the PEACE.

**T**HE Grand Alliance was concluded on the First of September 1701. and the main Design thereof appears from the Words of the Second Article, viz.

*His Sacred Imperial Majesty, His Sacred Royal Majesty of Great Britain, and the States General, desiring nothing more earnestly than the Peace and general Quiet of all Europe, have judg'd, That nothing can be more effectual for the Establishment thereof, than the procuring an equitable and reasonable Satisfaction to his Imperial Majesty for his Preten-*

*sion to the Spanish Succession; and, that the King of Great Britain and the States General, may obtain a particular and sufficient Security for their Kingdoms, Provinces, and Dominions, and for the Navigation and Commerce of their Subjects.*

In pursuance of this Agreement the War was Proclaim'd, and with these Views, was carry'd on to the Year 1706. The Annual Charge of this Nation, and the Progress of the Increase of that Charge may be seen by the following Account.

The

The Estimate of the War  
came to, in the Year

|       | <i>l.</i> | <i>s.</i> | <i>d.</i>        |
|-------|-----------|-----------|------------------|
| 1702— | 3,706,494 | 02        | 10 $\frac{1}{2}$ |
| 1703— | 3,898,066 | 13        | 10 $\frac{3}{4}$ |
| 1704— | 4,444,947 | 04        | 01 $\frac{1}{2}$ |
| 1705— | 5,087,783 | 07        | 01               |
| 1706— | 5,693,529 | 08        | 10 $\frac{1}{4}$ |

It pleas'd God to bless the Arms of Her late Majesty, and of Her Allies, with so many signal Victories, during these five Years, especially in the last of them, *viz.* 1706. that the great End of undertaking this War, so clearly express'd in the above-mention'd Article, seem'd to have been fully answer'd, and the Power of the Enemy reduc'd to a just Balance.

On the 21st of *October* 1706. the Elector of *Bavaria*, in the Name of the *French* King, propos'd to open a Treaty of Peace, but this Offer was rejected.

The Estimate of the War  
amounted to, in the Year

|       | <i>l.</i> | <i>s.</i> | <i>d.</i>        |
|-------|-----------|-----------|------------------|
| 1707— | 6,180,413 | 18        | 02 $\frac{1}{4}$ |
| 1708— | 6,381,926 | 06        | 01               |
| 1709— | 6,713,645 | 05        | 04 $\frac{1}{2}$ |
| 1710— | 6,734,043 | 09        | 11 $\frac{1}{4}$ |
| 1711— | 6,851,468 | 16        | 07 $\frac{1}{4}$ |

The Reader will observe,  
That the Charge of the Year

1702, was a great deal short of Four Millions, and that in the Year 1711, it amounted to near double that Sum; and there was likewise a Debt incurr'd of Eight Millions; yet the Revenues of *England* were under such Anticipations, that she was not able to raise, within the Compass of any one Year, more than Two Millions and a half, over and above the Interest she was oblig'd to pay for the Debts she contracted.

These two Millions and a half came so far short of the Capital Sum that *England* was to furnish even in the least expensive Year of the War, as appears by the foregoing Account, that it is not to be wondred the Nation should be sunk under so great a Debt in the Year 1711, that the bare Interest thereof amounted to three Millions.

For the Payment of this Annual Interest of three Millions, the whole Trade of *England* was clogg'd with new Duties, from which the *Dutch* reap'd a double Benefit, since they did not only by this means spare themselves, but as every Branch of our Trade suffer'd by new Impositions, theirs increas'd in proportion: For it is an establish'd Rule in Trade, that as it ebbs in one Nation, it must flow in another.

The Expences of the *Dutch*  
were all this time upon so easy

a Foot, that from 1702 to 1711, no additional Duty was laid on their Trade, excepting only one *per Cent.* for Encouragement of their own Privateers; and this Duty was to determine with the War, because the Occasion for which it was rais'd would then cease. So tender were the *Dutch* of their Trade, which they call the Apple of their Eye, that when *England* furnish'd Ten Thousand additional Troops for the War in *Flanders*, on Condition they shou'd prohibit Trade with *France*, in the same manner the *English* had done; the *Dutch* accepted the Troops, but never comply'd with the Condition.

The Emperor, during the War, mortgag'd part of the Dutchy of *Silesia* to the *English*, and the Mines in *Hungary* to the *Dutch*; but these Mortgages were for such inconsiderable Sums, that the Imperial and Hereditary Revenues were in a much better Condition in 1711. than they were in 1702.

What was the State of the K. of *Prussia*'s Revenues, either in the Year 1702, or in 1711. the Author of this Paper is not at present inform'd; but if a Judgment may be made of the Charge of that Crown in the War of 1702. by the Charge she was at in the War

of 1688. we may conclude she did not suffer much by the War of 1702. since one of the Ministers of the late King of *Prussia*, then Elector of *Brandenburgh*, complain'd in the Year 1699. that 40000 Crowns, which is near 8000 *l.* Sterling, had been issued out of the Military Chest of that Prince in the War of 1688. over and above the Subsidies he had receiv'd from *England* and *Holland*, and therefore demanded to be reimburs'd.

The rest of the Allies did not only not contribute to the War, but on the contrary receiv'd large Sums from *England* and *Holland*, for their own private Advantage, over and above the Payment of their Troops.

The Proportion of Forces to be furnish'd by *England* and *Holland* for the War of *Flanders*, was thus adjusted, *viz.* *England* to furnish Two Parts of Five by Land, and *Holland* the other Three. By Sea *England* was to furnish Five Parts of Eight, and *Holland* the other Three. The Quota's were thus settl'd by the late King *William*, as Mr. Secretary *Vernon* acquainted the House of Commons, by his Order.

From the Year 1702 to 1711. both inclusive, such were the Deficiencies of the Allies \*,

\* Vide Representation of the House of Commons, 1712.



that *England* was oblig'd to furnish above this Quota, the Sum of Twenty Millions.

The Princes of the Empire being requir'd to pay their Quota, according to the Constitution of the Empire, they alledg'd their Inability, by pleading, that their Men were already engag'd in the Service of *England*; so that all this while we actually paid those Men, who were otherwise, by previous Contract, oblig'd to serve in the Common Cause: On the other side, the *Dutch* alledg'd, That they were under no other Obligation than to exert their Strength *totis viribus*, and by Consequence, that They alone were the Judges how far it was proper or convenient for them to exert that Strength.

It is to be observ'd, That *Great Britain* thus exceeded her Proportion, tho' she neither did, nor was it possible for her to gain any thing by a Land-War. At the same time the House of *Austria*, which had made such a prodigious Acquisition as that of the Eleſtorates of *Bavaria* and *Cologne*, and several other Territories in the Empire; of the Kingdom of *Naples*, the Duchies of *Milan*, *Mantua*, *Mirandola*, &c. in *Italy*; which Countries were thought sufficiently able to maintain 90,000 Men; and the *Dutch*, who had possessed themselves

of *Flanders*, and receiv'd all Contributions to their own Use, were still defective.

*Great Britain* then being burthen'd above her natural Strength, and having Two Hundred Forty Four Thousand and Twenty Men in Pay, was fall'n under an immense Debt, the Annual Interest whereof amounted to Three Millions, for Payment of which Interest the Nation labour'd under a general Excise, excepting Bread and Flesh; the Duties apply'd in former Times to the Support of the Government, and many more since laid, in the Course of two long Wars, were alienated for the Payment of the abovesaid Interest; so that the Taxes on Land and Malt, which every Body understood to be for extraordinary Uses, are now to be apply'd to the Maintenance of such Ships and Guards as shall be necessary, even in time of Peace, and are therefore, in effect, perpetual; what would be our Resource in case of New Wars, is dreadful to imagine! Whereas, if Peace had been made in 1706, at which Time the End propos'd by the Declaration of War was fully answer'd, and good Conditions offer'd, the Nation would have sav'd above Thirty Two Millions.

Between the Years 1706 and 1712, we made some

Conquests in *Flanders* and *Italy*: On the other hand we lost two great Battles in *Spain*, the last of which was decisive, for by the taking of our Troops at *Brihuega*, which caused the Rout of *Villa Viciosa*, the War was in a manner extinguish'd on that side; so that the Affairs of the Confederacy, in general, were in a worse Situation in 1712, than they were in 1706.

However, the Finances of *France* being in great Disorder, and that Nation labouring under a severe Famine, Monsieur de *Torcy* \* was sent in the Year 1709. to Negotiate a Peace at the † *Hague*. Among other Things he offer'd in the Name of the King his Master to abandon King *Philip*, and acknowledge *Charles* King of *Spain* and the *Indies*. But the Allies insisted that the *French* King should carry on the War singly against his Grandson; and without making any Allowance for the doubtful Events of War, the Forces that were then on the Continent of *Spain*, and the vast Extent and Distance of the

*Spanish* Dominions in *America*, they required that the whole Monarchy of *Spain* and the *Indies* should be given up in the Space of two Months, which all the Powers upon Earth could not promise to perform.

In the Beginning of the Year 1710. Monsieur *Rouillé* confer'd with the *Dutch* Ministers at *Gertruydenberg*, and the *French* King then renew'd the same Proposal, that in Case of a Peace he would abandon King *Philip*, and acknowledge *Charles* King of *Spain* and the *Indies*, but the Proposal was again rejected.

In 1711. the *French* were recover'd from the Effects of the Famine; and the extraordinary Demand made by the Allies, that the *French* King shou'd himself make War upon his Grandson, had rais'd such a Spirit of Resentment and Indignation in his People, that they chearfully submitted to the *Dixme Royal*, which alone could retrieve the ill Condition of his Finances; and which the *French* Court, until that time, did not think safe to impose on them; a ge-

\* Note, Monsieur *Torcy* came to the *Hague* with a Passport, which the States had granted without the Queen's Knowledge.

† Note, On the 22d of May 1709. a Ratification pass'd under the Great Seal of Great Britain, setting forth, That the *French* Ministers had Sign'd the Preliminary Articles at the *Hague*; tho' in Fact the same never had been Sign'd by those Ministers. This was a Mistake in a very essential Point, and may deserve to be consider'd.



neral Belief did then prevail in the *French* Nation, that the Allies had no other View in insisting that the King shou'd act so unnatural a Part, but in order to break off the Treaty, and perpetuate the War.

The breaking off this Treaty was *indeed fatal*, for it was soon follow'd by the Misfortunes in *Spain*, which left King *Philip* entirely Master of that Monarchy.

In the same Year, *viz.* 1711. the Emperor *Joseph* dy'd, the Hereditary Countries devolv'd on King *Charles*, the only surviving Prince of the Male Line, of *Austria*, who was likewise chosen Emperor; upon which the King of *Prussia*, and other Princes of the Empire, the King of *Portugal*, and the Duke of *Savoy*, declar'd they would never consent that the same Person shou'd be Emperor and King of *Spain*; the *Dutch* were likewise of this Sentiment, for when an Article was propos'd by *England* to be inserted in the *Barrier-Treaty*, That no Peace should be made till the whole *Spanish* Monarchy was reduc'd to the Obedience of the *Austrian* Family; the States-General struck it out of the Counter-Project, tho' agreed to by the Queen in Council, and strongly recommended to my Lord *Townsend*, by Mr. Secretary *Boyle*: And that they have proceeded always

upon this Maxim, appears from the following Clause of the 2d Partition-Treaty, enter'd into by King *William* and the States, on the 3d of *March*, 1700. *viz.* *That the Kingdom of Spain and the Indies shall never be united, nor belong to the Person of him who shall be Emperor or King of the Romans.*

In conformity to the Sense of this Article, and to the universal Consent of the Allies, *who would not, nor ever have yielded, that a King of Spain should be Emperor of Germany*; Her late Majesty wrote to the several Electors in favour of King *Charles*, in so strong Terms, that he has since own'd Her Goodness in his behalf, as what was most Essential towards raising him to the Imperial Dignity.

The Campaign of 1711. pass'd without any considerable Action, and the *Dutch* refus'd to contribute towards the Expence of Baracks and Forage; by which the Projects for Quartering the whole Confederate Horse under the Cannon of the Frontier Towns, and making Incursions from thence into the Heart of *France*, during the Winter, as well as opening the Campaign early in 1712, were intirely frustrated; notwithstanding the Duke of *Marlborough* represented, that if such Baracks and Forage were not provided, it would  
be



be impossible to gain any Advantage over the Enemy the following Summer, for they wou'd be superior to the Confederates by Sixty Squadrons of Horse.

Things being in this Situation, that is to say, all Treaties for Peace being broke off, and the Measures that wou'd most probably have reduc'd the Enemy, meeting with Opposition from our Allies, Her Majesty thought it proper not to refuse a Passport, which the *French* King desir'd for a Person whom he intended to send to Her with Proposals of Peace. The Passport was accordingly dispatch'd, and \* Monsieur *Mesnager* came hither Invested with the Character of Plenipotentiary, and with a Letter from the *French* King, acknowledging Her late Majesty Queen of *Great Britain*; that Prince having first acquainted the *States-General*, that he did intend to Address himself to the Queen on that Subject. Her Majesty Receiv'd this Person favourably, and Order'd Her Ministers to hear his Proposals: In Obedience to Her Orders they confer'd with him, and in some time General Articles were agreed to, by which the *French* King was oblig'd to give Satisfaction to all the Allies;

the Points relating to *England*, were likewise adjusted, and were to take effect in case that Satisfaction was given, and a general Peace concluded, not otherwise; for the late Queen was free from any Obligation whatsoever to the *French* King.

The States having been thus previously acquainted by the *French* King, that Proposals were to be made at *London* for opening a Treaty of Peace; the Proposals that were made having been immediately communicated to them by the late Queen, and the Conditions stipulated for her own Subjects, being to take Effect only in case of a General Peace: It is evident She did, in the strictest manner, adhere to the Terms of the Eighth Article of the Grand Alliance; by which it was agreed, That neither Party should Treat without the Privity of the other. It has been objected by some, That the said Proposals or Preliminary Articles were properly a Treaty, but the *Dutch* themselves take off that Objection; for they were so far from thinking them a Treaty, that they declar'd them not to be a sufficient Foundation to Treat upon.

Let us examin what has been the Conduct of the *Dutch* on the like Occasions, and we

\* Note, *M. Mesnager* coming into England with a Passport from the Queen, could not be look'd upon as an Enemy.

shall find, That when Articles were concerted at *Gertruydenberg*, those Conferences were held by the *French* and *Dutch*, without the Intervention of the rest of the Allies; for when the Imperial Plenipotentiary insisted, that he had a Right to be present, the *Dutch* refus'd to admit him; and when he complain'd to Prince *Eugene* of this Treatment, he receiv'd an Order from his Highness to follow the Example of the *British* Minister, whose Mistress he said, tho' She contributed more to the War than any of the Allies, did, however, resign Her Self so entirely to the Wisdom of the States, that She trusted them alone with that Preliminary Negotiation. If we look farther back, we shall find *M. d'Aligre* made Proposals of Peace to the *Dutch* in *February* 1706; that *M. Mesnager* was in *Holland* most part of the Years 1707 and 1708, and convers'd with several of the *Dutch* Ministers, upon the Proposals he brought with him from *France*, by the Connivance, and with the Privy of the States-General; as *M. Callieres* had formerly done, in the Years 1695 and 1696, and all this without any Notice given to *England*.

Here it may be proper to observe, That it does not appear in the Register of the Resolutions of the States, that any

of their Ministers had full Powers, in Form, to Treat either with *M. d'Aligre*, *M. Mesnager* or *M. Callieres*; because the Ministers who serve the Prince or Commonwealth, in whose Dominion any Negotiation is transacted, are sufficiently Authoriz'd, by the Offices they bear in the State, to Treat with any Foreign Minister; but in case of concluding any Agreement, it is requisite all Ministers should be furnish'd with full Powers in Form, which full Powers are not for the Justification of the Ministers who exhibit them, but for that of the Party with whom they Treat, and therefore the Originals are always exchange'd, which they could not be, if the Person Treating were to be justify'd by his own full Powers; for in that case he would be oblig'd to keep them in his own Hands, to be produc'd as Evidence in his Behalf, whenever Occasion shall require.

Whoever considers the nature of a Negotiation between Princes, or has Curiosity enough to look back into former Transactions of that kind, will easily perceive, that they always have and must owe their first Beginning to an Intercourse of Letters, or some private Conversations; and that even the greatest Obstacles are frequently remov'd by such Correspondencies, before any

Powers



Powers are granted in Form, and that this has been the constant Practice in all Nations, especially in *England*.

It was thought necessary to make this short Digression, in order to expose a groundless Notion lately entertain'd, That it is not lawful for One who is a Privy-Counsellor, and an avow'd Minister of State, to hear the first Overtures of a legitimated Minister of a Foreign Prince, upon \* verbal Orders from his own Sovereign, without a Special Commission for that purpose under the great Seal.

Pursuant to the Preliminary Articles, or Propositions, which had been communicated to the Confederates, conformable to the Grand Alliance, a Treaty was open'd at *Utrecht*, by their unanimous Consent and Approbation, in *January 1712*: And notwithstanding the great Obstructions given to it, was happily concluded *March 31. 1713*; all Care having been taken to prevent the Union of the Crowns of *France* and *Spain*, that the Nature of the Case wou'd admit of, since there was but one Prince of the Male-Line of the House of *Austria* now remaining, and that the Powers above-mention'd, had determin'd, that the *Spanish* Crown shou'd never be united to the Impe-

rial; speedy Measures were therefore taken for passing the Acts of Renunciation, which would not have so easily been obtain'd, if King *Philip* had been in actual possession of the Dignity of Dauphin of *France*; and the great Mortality among the Princes of that House, gave just Reason to apprehend that such a thing might happen.

Whilst this Treaty was depending, a Cessation of Arms was proclaim'd for two Months, as had been usually practis'd in the like Cases, lest any Event of War might interrupt the Course of the Negotiation; but that even those two Months might not be fruitless, the Queen insisted, and it was granted, that *Dunkirk* should be immediately deliver'd into her Hands, the Demolition whereof being of great Importance to *England*, She had formerly propos'd it might be made an Article of the *Barrier-Treaty*, but the Dutch rejected it. Her Majesty had all the Reason in the World to secure this Point of *Dunkirk*, by a Treaty, since it was not to be obtain'd by Action; for in the compass of fifteen Campaigns in the two last Wars, the States could never be prevailed with to assist in any way towards the Siege of that

\* Note, *The Earl of Portland* Treated with *Mareschal Boufflers*, by verbal Orders from King *William*.



Town, *alleging*, *it would be the Work of Two Years.*

Certainly it was as lawful for the Queen to declare, without Consent of the *Dutch*, that Her Troops should not engage, as it was for the *Dutch* to make the like Declaration without Consent of the Queen; and that the *Dutch* did make such Declarations, is still fresh in every Body's Memory: For when the Duke of *Marlborough*, with the Concurrence of all the Generals, would have forced the *French* Lines, *August* 1703, the Deputies of the States refused to let their Troops march, *alleging*, That if the *French* should get the Victory, the United Provinces would remain exposed to their Incursions. That the Deputies of the States acted in the same peremptory manner on another Occasion, appears from a Letter of the Duke of *Marlborough's*, of *August* 19. 1705, wherein his Grace complains, in very moving Terms, 'That  
' at the Moment when he  
' was going upon the Attack,  
' when he had already flat-  
' ter'd himself he should soon  
' have congratulated their  
' High Mightinesses on a  
' Glorious Victory, he found  
' his Hands ty'd up by their  
' Deputies. His Grace adds,  
' The Opportunity was too  
' fair to be slipp'd; and that  
' his Heart was so full, that

' he could not forbear com-  
' plaining he had not the same  
' Authority in the Army that  
' he had the preceding Year.' Shall not the Crown of *Great Britain* have the same Authority over her own Troops, that the States of *Holland* have over theirs? Or shall it be more criminal for a General in *Flanders*, not to follow the Confederates wherever they should think fit to lead him, when, by the positive Command of his Sovereign, he was forbid to enter upon Action; than it was for a General in *Spain*, to separate the *British* Army from that of the Confederates, at his own Discretion, without Order? Which *Fatal Separation* was soon follow'd by the Loss of himself and his Troops: And yet it would be hard Treatment to charge so great a Misfortune upon that Honourable Gentleman, whom all Parties own to have ever acted with a true Zeal for the Good of his Country.

The Peace of *Utrecht* may be said to have been as General as any that ever was made, for all the Parties in the War Sign'd their Peace with *France* on the same Day, excepting the Emperor and the Empire.

Here it is to be observed, *That the Emperors of Germany have not made Peace at Ryswick, Nimeguen, or any*  
X *other*

other Congress, at the same Time with the rest of their Allies; lest the Princes and States of the Empire, who, as Sovereigns, have a Right to assist at such Conferences, should by that means have an Opportunity to justify their particular Claims: It has therefore been an Established Maxim of the Imperial Family, to put off the Signing of their Treaties of Peace for some time, that the Members of the Empire may be under the Necessity of submitting their Pretensions to the Imperial Dyet, where the Emperor has more immediate Influence and Authority.

However, for Argument sake, let it be consider'd how far *England* had been blameable if She had made a Separate Peace. *England* came into the Confederacy Rich, the Allies Poor; *England* in the War was become Poor, the Allies Rich; the Allies, tho' nearest to the Danger, contributed least to the War; *England* the most remote from Danger, bore the greatest Share of Expence. Whatever should be gained by the War in *Europe*, was by express Agreement to accrue to the Allies: *England* once intimated a Desire to be possessed of *Ostend*, the Lords the States refused it

with Indignation. The Trade of *Holland* was exempt from any additional Duties, some Branch of the Trade of *England* was every Year depressed by new Impositions. The Trade of *Holland* was extended by the Acquisitions in *Flanders*, the Trade of *England* to that Country lay under particular Discouragements. Would not the Queen have received the Applauses of the Universal World, if in these Circumstances She had told the Allies they first broke the Contract, by not performing their Part in the War, and She was therefore no longer under any Engagements? Such a Conduct would have been justify'd by all Laws, Sacred and Civil, and of all Nations on the Earth. The *Dutch* would have had the least Pretence to complain, since it remains upon Record, \* That the *Dutch* Ministers told those of *France*, in 1648, They would make a Separate Peace, alledging this only Reason, that it was for the Interest of their State, which they said was to be preferr'd to their Alliances. They made the like Answer to the Ministers of *Brandenburg*, in 1678, at which time they made a Separate Peace, tho' that

\* Vide Neuville's *History of Holland*, Tom. 1. Book 9. Chap. 10.



Prince had hazarded his own Country to save theirs.

But such was the Disposition of the Pious Queen towards all Her Allies, that She determined to push on the War with new Vigour, or to make such a Peace as should be to their common Satisfaction. With this View Her Ministers did, by Her Order, Sign a Treaty with *M. Buys*, on the 18th of *December 1711*, whereby Her Majesty was engaged to prosecute the War *Jointly* with the States, to make Peace *Jointly*, to Guaranty the Peace *Jointly* when made, and to Invite the rest of the Confederates into such Guaranty: But when the *British* Ministers explained to the States, that by making War *Jointly* was meant, by a proportionate Expence of each Nation, according to the Quota's settled by King *William*, and declared, † That the Ten Thousand additional Troops were given upon Condition, they should prohibit Commerce with *France* as *England* had done, the States refused to Ratify the Treaty which *M. Buys* had Sign'd on their Part.

When the Imperial Ministers were told the Queen expected their Master should

bear his Proportion in the War; Count *Galas*, in a very solemn Manner, declared, by a Memorial in Form, That if Her Majesty had exceeded in Expence, She was overpaid in GLORY; That the GLORY Her Majesty had acquired, was infinitely more valuable than the Dominions acquired by the Emperor; and, That if the Emperor had Money to purchase, he would have Out-bid Her Majesty, and Bought GLORY at a much greater Rate.

It has been given out by some, That the *Dutch* were willing to have come into the Queen's Measures, if She had thought fit to let them know what those Measures were: This is so far a Mistake, That it is apparent they would not come into Her Measures, because they did know what they were, and that Her Majesty had procur'd for her Subjects some Advantages in Trade; for *M. Buys* declar'd, That if *England* would let the States into a Share of those Advantages, they would neither obstruct the Treaty, nor endeavour to wrest it out of the Queen's Hands.

When they found the Queen resolved to make no Conces-

† Note, This Treaty had been negotiated Six Weeks, yet the full Powers bore Date but the 11th of the same Month of Dec. 1711.



sion of that kind, their utmost Efforts were then employed to obstruct the Treaty: This gave but too fair a Handle to the *French*, to raise as many Difficulties on their Side, and to this Cause it is to be ascribed, that some Points were not obtained which might otherwise have been expected: To which may be added, That after the Loss of twelve thousand of their best Troops at *Denain*, and of three considerable Towns in *Flanders*, they could not reasonably hope for as good Terms as they might have done, if they had agreed to a \* Suspension of Arms according to the Queen's Desire, by which those Misfortunes would have been prevented.

But in Spight of all Opposition the Queen pursu'd the Interest of Her People, and when she had procured for the Emperor an equitable and reasonable Satisfaction for his Pretensions to the *Spanish* Succession; and for the *States-General* a sufficient Barrier, pursuant to the Grand Alliance, She made Peace with her Enemies.

That this Peace was beneficial to *Great Britain*, will appear from the following Considerations ;

*First*, That several Advantages were obtained for this Nation above what had been ever asked before in our Behalf, either at the *Hague*, or at *Gertruydenberg*, viz. † *Hudson's Bay*, Part of the Island of *St. Christophers*, all *Nova-Scotia*, or *Accadia*, with the City of *Port-Royal*, now called *Annapolis-Royal*, the Island of *Minorca*, the Town and Castle of *Gibraltar*, and the Trade to the *Spanish West-Indies*. Add to this, that more ample Provision hath been made for the Freedom, Rights, and Immunities of the *British* Subjects, than will be found in any former Treaty whatsoever.

*Secondly*, From the Increase of our Shipping, and the Improvements of our Trade, which will appear from the following Abstract, faithfully collected out of the publick Registers.

By what has been already said, it is believed the Reader is convinced, it was absolute-

\* Note, Among all Nations in the World, there has been generally a Cessation of Arms before the Conclusion of a Peace.

† Note, Treaty of Breda, 1667, Article 10. Lord Hollis and Mr. Coventry yielded up *Nova-Scotia* to France. Treaty between England and France, for settling Peace in America 1686. Sign'd by the Lords Sunderland and Godolphin, yielded up *Newfoundland* and *Nova-Scotia*, Art. 4th. and 5th.

ly necessary for the *British* Nation to have Peace, and that the Terms of the Peace she had were advantageous to herself and her Allies; who are so far convinced that the Ends of the Grand Alliance are answered, and the Power of their former Enemy brought within due Bounds, that they have no farther Apprehensions from him, but think themselves at Liberty to contest with each other for Dominion.

The Satisfaction Her late Majesty had in this Negotiation, has been signify'd in Speeches from the Throne to Two Parliaments successively; that those Two Parliaments approved all the Steps taken in it, will be seen by their Votes; and that the Opinion of their Representatives was confirmed and approved by the whole Nation, is evident from their several Addresses.

Here it is not improper to take Notice, that former Parliaments declined entering into any Disquisition of the Treaties of *Ryswick* and *Limerick*, tho' *Hudson's Bay* was given up by the former; the Popish Religion established, with all its Privileges and Immunities, and the *French* Armies supplied with their best Troops, by the latter.

By the Laws of this Kingdom the Power of making

Peace and War is vested in the Sovereign; if then the Command of the Sovereign, after mature Deliberation in Council, with the previous Consent of Her Allies, followed by the Approbation of Two Parliaments, be not sufficient Justification to Ministers employ'd in a Treaty, acting against no known Law, nor charged with any Corruption, whose Life, whose Property is safe in *Great Britain*? And where are the Liberties of those People, who, upon any Change of Administration, may be made a Sacrifice to private Resentments?

But there is still room to hope, that however Passion may rage for a while, the generous Sentiments of Honour and Justice will at length prevail; in a Compass of Seven and Twenty Years, no Blood has yet been spilt on Account of Party-Quarrels: Those who are most Conspicuous for their Riches and Titles, ought to take Care how they make such Precedents; for we are taught in Scripture, *Whoso sheds Man's Blood, by Man shall his Blood be shed*: Which has been frequently verify'd in *English* Story.

By the Vicissitude of Human Things *Great Britain* may happen to be involved in some new War hereafter, shall

shall it be render'd impracticable for Ministers ever to make Peace? Or shall the Three Estates of Parliament go to *Nimeguen*, or elsewhere, to Negotiate?

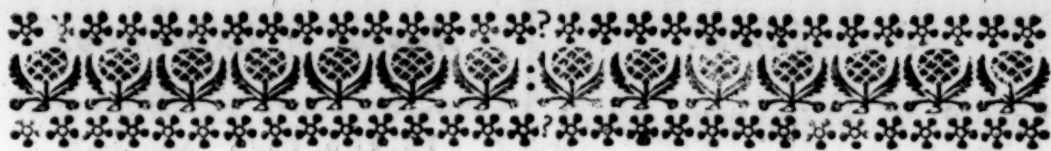
The late pious Queen, and both Houses of Parliament, the Great Officers, and all

Ranks of People, return'd solemn Thanks to Almighty God, for the Blessing of the Peace of *Utrecht*, Happy and Beneficial to *Great Britain*, and Her Allies; Would it not be mocking of God to call that Peace destructive?



*The*





*The Advantages arising to Great Britain since the Peace, by the Encrease of the Navigation and Exportation of the Manufactures and Produce of England only, which is as follows, viz.*

**O**F Woollen Manufactures from *England to Denmark, Norway, Sweden, East-Country, Germany, Flanders, Portugal, Spain, Streights, Italy, Turkey, Jamaica, New England, New York and West-Indies*, besides great Quantities carry'd to other Places, of which a particular Account cannot yet be had.

*Species of Goods.*

*The Amount of the Exportation of Woollen Manufactures to the several Places above-said, for the Years 1709, 1710, and 1711.*

|                       |                       |
|-----------------------|-----------------------|
| Bays—                 | 127,492 $\frac{1}{2}$ |
| Cloth of all Sorts--- | 107,888               |
| Cottons —             | 273,017               |
| Kerfies —             | 59,884 $\frac{2}{3}$  |
| Perpets and Serges —  | 8,250,805 lib.        |
| Flannel—              | 990,451 yards         |
| Stockings —           | 81,472 dozen          |
| Stuffs —              | 3,186,031 lib.        |
| Says —                | 495,457 ditto         |
| Northern Dozen —      | 19,385 ditto          |
| Hats —                | 25,383 dozen          |
| Lead—                 | 37,557 tons           |

| <i>Manufactures.</i>                              | <i>Amount of Exportation.</i> |
|---------------------------------------------------|-------------------------------|
| Spanish Wool imported into }<br><i>England,</i> } | 13,986 bags                   |
| Cochineal imported ———                            | 177,785 lib.                  |
| * <i>Fish.</i>                                    |                               |
| Red Herrings ———                                  | 115,819 barrels               |
| White <i>ditto</i> ———                            | 7,897 ditto                   |
| Pilchards ———                                     | 23,737 hogsh.                 |
| Salmon ———                                        | 260 barrels                   |

*The Amount of the Exportation of Woollen Manufactures to the several Places abovesaid, for the Years 1712, 1713, and 1714.*

|                        |                       |
|------------------------|-----------------------|
| Bays ———               | 158,903 $\frac{1}{2}$ |
| Cloth of all Sorts ——— | 152,642               |
| Cottons ———            | 525,227               |
| Kerfies ———            | 83,110                |
| Perpets and Serges ——— | 8,643,505 lib.        |
| Flannel ———            | 1,213,949 yards       |
| Stockings ———          | 96,939 dozen          |
| Stuffs ———             | 5,586,968 lib.        |
| Says ———               | 619,262 ditto         |
| Northern Dozen ———     | 52,151 ditto          |
| Hatts ———              | 39,373 dozen          |
| Lead ———               | 41,383 tons           |

\* The Fish herein specified is all exclusive of the *Scotch* and *Irish* Fishing.

| <i>Manufactures.</i>                            |  | <i>The Amount of Exportation.</i> |  |
|-------------------------------------------------|--|-----------------------------------|--|
| Spanish Wool imported into }<br><i>England,</i> |  | 20,388 bags                       |  |
| Cochineal imported ———— }                       |  | 220,667 lib.                      |  |
| <i>Fish.</i>                                    |  |                                   |  |
| Red Herrings —————                              |  | 235,492 barrels                   |  |
| White <i>ditto</i> —————                        |  | 15,459 ditto                      |  |
| Pilchards —————                                 |  | 60,565 hogsh.                     |  |
| Salmon —————                                    |  | 870 barrels                       |  |

*The Encrease of the Exports in the Years 1712, 1713,  
and 1714, more than the Years 1709, 1710,  
and 1711.*

|                        |                             |
|------------------------|-----------------------------|
| Bays —————             | 31,411 pieces               |
| Cloth of all Sorts ——— | 44,754 cloths               |
| Cottons —————          | 252,210 goads               |
| Kerfies —————          | 23,225 $\frac{1}{2}$ pieces |
| Perpets and Serges ——— | 392,700 lib.                |
| Flannel —————          | 223,498 yards               |
| Stockings —————        | 15,467 dozen                |
| Stuffs —————           | 2,400,937 lib.              |
| Says —————             | 123,805 ditto               |
| Northern Dozen ———     | 32,766 ditto                |
| Hatts —————            | 13,990 dozen                |
| Lead —————             | 3,826 tons                  |



| <i>Manufactures.</i>                                                        | <i>The Amount of Exportation.</i> |
|-----------------------------------------------------------------------------|-----------------------------------|
| Spanish Wool imported into }<br><i>England,</i> }<br>Cochineal imported ——— | 6,402 bags<br>42,882 lib.         |
| <i>Fish.</i>                                                                |                                   |
| Red Herrings ———                                                            | 119,673 barrels                   |
| White <i>ditto</i> ———                                                      | 7,562 ditto                       |
| Pilchards ———                                                               | 36,828 hogsh.                     |
| Salmon ———                                                                  | 610 barrels                       |

*Memorandum,* The Fishing Ships and Fishing Boats to *Newfoundland* are greatly encreased since the Peace, of which a particular Account will be given hereafter. As also an Account of the great Encrease of the Cod-fishing Vessels from *Yarmouth*, and the Places adjacent.



*An Account of the Gross and Neat Produce of  
the Customs, from Christmas 1708. to Christmas  
1714, viz.*

|                                                                                                    | <i>Gross Receipt.</i>         | <i>Net Produce.</i>                       |
|----------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------------------|
| In the Year { 1709—                                                                                | 2,306,784 08 01 $\frac{1}{4}$ | 1,342,833 14 04 $\frac{1}{2}$             |
| { 1710—                                                                                            | 1,945,792 06 02 $\frac{1}{2}$ | 1,177,810 05 06 $\frac{1}{2}$             |
| { 1711—                                                                                            | 2,248,679 17 02 $\frac{1}{2}$ | 1,202,040 12 09 $\frac{1}{2}$             |
| { 1712—                                                                                            | 2,91,348 19 06 $\frac{3}{4}$  | 1,396,633 03 11 $\frac{3}{4}$             |
| { 1713—                                                                                            | 2,488,968 09 07               | 1,454,868 17 06                           |
| { 1714—                                                                                            | 2,705,029 10 10 $\frac{1}{4}$ | 1,765,695 04 02 $\frac{1}{2}$             |
|                                                                                                    | <hr/> 13,886,603 11 06 <hr/>  | <hr/> 8,339,881 18 04 $\frac{3}{4}$ <hr/> |
| Neat Produce of the Year 1709—                                                                     |                               | 1,342,833 14 04 $\frac{1}{2}$             |
| Ditto—                                                                                             | 1714—                         | 1,765,695 04 02 $\frac{1}{2}$             |
| Encrease in the Year 1714, more than<br>the Year 1709—                                             |                               | <hr/> 422,861 9 10 $\frac{1}{4}$ <hr/>    |
| Encreased the Three last Years in Peace,<br>more than the Three preceding Years<br>in time of War— |                               | <hr/> 894,512 12 11 $\frac{1}{4}$ <hr/>   |

## Merchant or Freight Shipping.

*Ships from all Ports  
of England, clear'd from the Custom-Houle.*

From the Year 1709 to 1710—3550 Ships.

1711—3750

1712—4267

1713—5807

1714—6614

Encreased in the Years 1713 and 1714. being the Two Years since the Peace, more than the Two Years 1710 and 1711, in time of War in Number 5121 Ships, in Bulk three hundred thousand Ton.

*Memorandum*, That the Exchange and Benefit of Trade, from the several Parts of *Europe*, hath been so much to the Advantage of *England* since the Peace, as hath occasion'd the Great Coinages of Money at the *Mint*, as will appear by the following Account.

There was Coined, and ready for Coinage, in Gold and Silver, in the *Mint* in Two Years, ending at *Lady-day* last 2,435,000 *l.* whereas the Coinage in the Time of War was inconsiderable.

*English Wool* in the War was sold at 15 *s.* per Todd, and now at 18 *s.*

\* *Cape Britton* Island was restor'd to *France* by a Treaty made 1632. and confirm'd by another Treaty 1667. by another 1686. by another 1697.

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\* *Cape Britton* is an Island in the Entrance of the Gulph of *St. Lawrence*, is Navigable quite round, and has never been thought to make a Part of *Acadie*.



In *Newfoundland* the *French* are not permitted to Fish in any Part formerly possessed by *England*, nor even in that Part which was possess'd by *France* before the Treaty, and which is now yielded to *Britain*, but are confin'd to Fish only in the uninhabited Part of the Country, and are not permitted to cut Timber, nor Wood for building Cook-rooms, Stages, Flakes, Boats, &c. and the Liberty they have of Fishing will therefore be impracticable; for should they carry Timber from *France*, the Expence would be exceeding great, and put them upon a very unequal Foot with *Britain*, whose Subjects will by that Means be able to Under-sell them in all Markets. Besides, as the *French* are not permitted by the Treaty to remain upon the Land during the *Winter*, the Buildings they raise in the *Summer* will then be destroy'd, and they will be under a Necessity of bringing more Materials from *France*, and rebuilding their Cook-rooms, Stages, &c. every Year, which will in all Probability render the Fishery of the *French* in those Parts of little Use.

F I N I S.



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